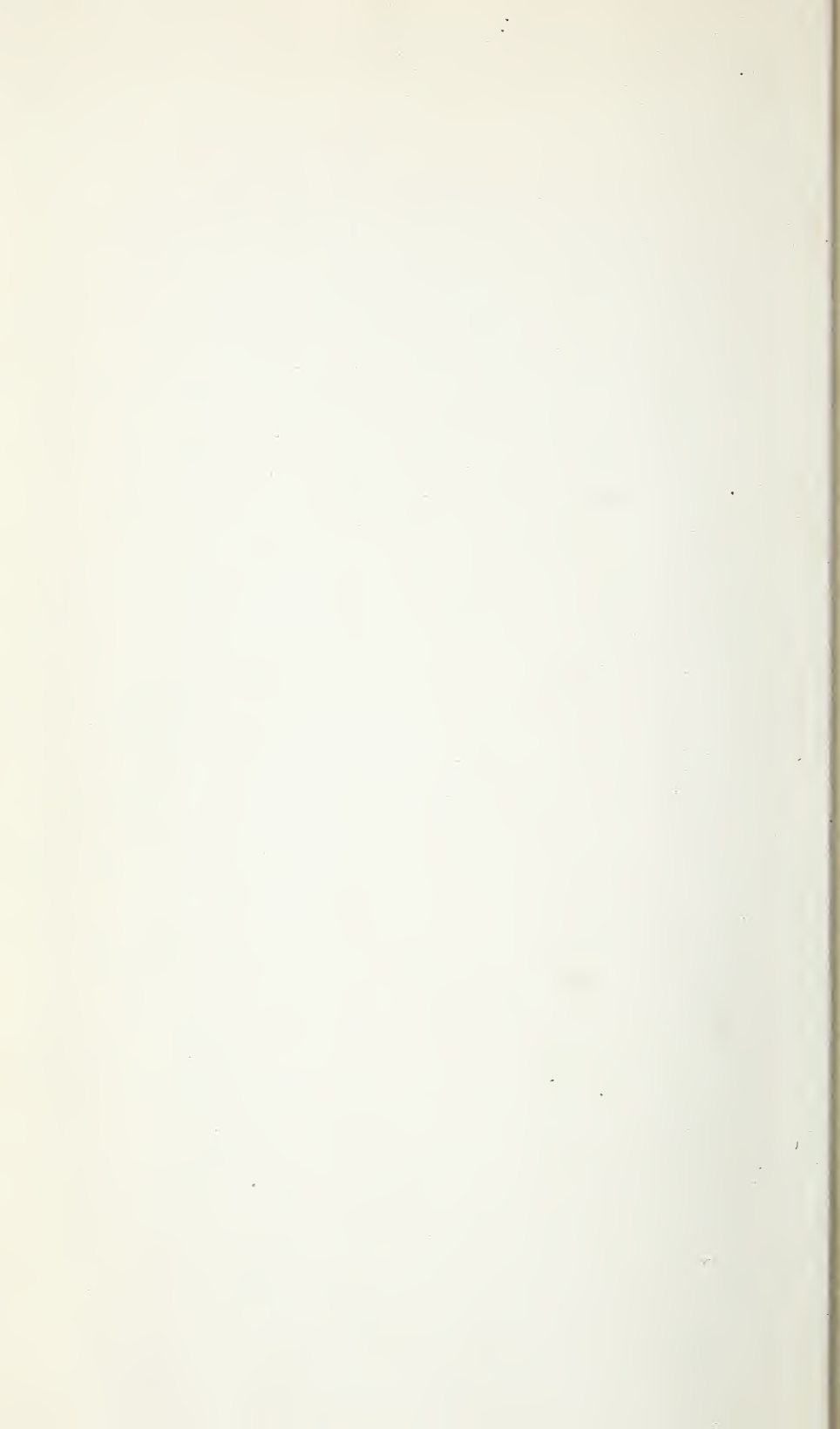


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION



AUG 27 1937

U. S. Department

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27001-27123

[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 3, 1937]

27001. Adulteration of apples. U. S. v. 200 Bushels of Apples. Product ordered released under bond. (F. & D. no. 38558. Sample no. 25964-C.)

This case involved apples that were contaminated with lead and arsenic.

On November 2, 1936, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 bushels of apples at Sandoval, Ill., alleging that the article had been shipped in interstate commerce on or about October 30, 1936, by Adams & Ramsay from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act.

The apples were alleged to be adulterated in that they contained added lead and arsenic, which might have rendered them injurious to health.

On November 4, 1936, Adams & Ramsay, claimants, having admitted the allegations of the libel and consented to the entry of a decree, and having petitioned release of the product under bond conditioned that it should not be disposed of contrary to law, the court ordered that claimants' petition be allowed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27002. Adulteration of Swiss cheese. U. S. v. 1 Swiss Cheese. Default decree of condemnation and destruction. (F. & D. no. 38560. Sample no. 29506-C.)

This case involved a shipment of cheese which had been manufactured from decomposed cheese and trimmings.

On November 18, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 210-pound domestic Swiss cheese at Monroe, Wash., alleging that the article had been shipped in interstate commerce on or about October 15, 1936 by the Star Valley Swiss Cheese Co., from Freedom, Wyo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Star Valley Swiss Cheese Co."

The article was alleged to be adulterated in that decomposed cheese and trimmings had been substituted wholly or in part for Swiss cheese, for which it was sold; and in that it consisted in whole or in part of a decomposed animal substance.

On February 3, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27003. Misbranding of dog and cat food. U. S. v. 61 Cases of Dog and Cat Food. Default decree of condemnation and destruction. (F. & D. no. 38695. Sample no. 833-C.)

This case involved a shipment of dog and cat food that contained less crude protein, less crude fat, and more crude fiber than was declared upon the label. The labeling also bore false and fraudulent representations regarding the alleged effectiveness of the article to increase the vitality of dogs, to serve as a conditioner, and to keep them healthy.

On November 24, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 61 cases of dog and cat food

at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about February 28, 1936, by the Keeno Packing Co., from South Gate, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Main panel) "Keeno * * * Dog & Cat Food Kibble Biscuit * * * Keeno Packing Co. Southgate California * * * Average Analysis * * * Fat 6.88% Protein 30.14% * * * Fiber 1.63%."

The article was alleged to be misbranded in that the statements "Fat 6.88% Protein 30.14% Fiber 1.63%", were false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained less protein and less fat and more crude fiber than was declared upon the label. The article was alleged to be misbranded further in that the statements, "The purpose of Keeno Dog Food is to increase the vitality of the dog: to serve as a conditioner and to keep him actively healthy", appearing on the label, were statements regarding the curative or therapeutic effect of the article and were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effect claimed.

On February 1, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27004. Adulteration of canned salmon. U. S. v. 79 Cases and 8 Cases of Canned Salmon. Decrees of condemnation. Portion of product destroyed; remainder released under bond for segregation and destruction of decomposed part. (F. & D. nos. 38409, 38728. Sample nos. 5020-C, 5577-C.)

These cases involved canned salmon that was in part decomposed.

On October 14 and December 1, 1936, the United States attorneys for the Northern District of Ohio and the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 79 cases of canned salmon at Cleveland, Ohio, and 8 cases of canned salmon at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about August 19 and September 3, 1936, by Whitney & Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The two lots were labeled in part, respectively: "Edwards Brand * * * Alaska Sockeye Salmon * * * distributed by Wm. Edwards Company Cleveland USA"; "Moon Rose Red Sockeye Salmon * * * Merchants Service Corp. Distributor, Chicago, San Francisco."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 8, 1937, no claim having been entered for the goods seized at Memphis, Tenn., judgment of condemnation was entered and the lot was ordered destroyed.

On February 10, 1937, Whitney & Co., Seattle, Wash., claimant for the lot seized at Cleveland, Ohio, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portion be separated therefrom and destroyed and the good portion labeled "Reprocessed."

W. R. GREGG, *Acting Secretary of Agriculture.*

27005. Adulteration of canned tomato puree. U. S. v. 871 Cans of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 38802. Sample nos. 21484-C, 21491-C.)

This case involved a shipment of canned tomato puree that contained filth resulting from worm infestation.

On December 11, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 871 cans of tomato puree at St. Louis, Mo., alleging that it had been shipped in interstate commerce on or about October 3 and October 9, 1936, by the Central States Packing Co., from Indianapolis, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 8, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27006. Adulteration of pitted dates. U. S. v. 52½ Cases of Pitted Dates. Default decree of condemnation and destruction. (F. & D. no. 38827. Sample no. 81103-C.)

This case involved a shipment of pitted dates that were infested with insects.

On December 17, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52½ cases of pitted dates at Denver, Colo., consigned by the W. H. Marvin Co., alleging that the article had been shipped in interstate commerce on or about September 22, 1936, from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Marvin Golden Hollowi Dates The W. H. Marvin Co. Urbana, Ohio."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 15, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27007. Adulteration of apples. U. S. v. 7 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38834. Sample no. 25158-C.)

These apples were contaminated with arsenic and lead.

On October 8, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 1, 1936, by E. W. Lindahl from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27008. Adulteration of canned tomato juice. U. S. v. 1,245 Cases and 772 Cartons of Canned Tomato Juice. Decrees of condemnation. One lot destroyed. Remaining lot released under bond for segregation and destruction of decomposed portion. (F. & D. nos. 38533, 38860. Sample nos. 18280-C, 18281-C, 28433-C.)

This product contained excessive mold.

On November 12 and December 21, 1936, the United States attorneys for the Western District of Pennsylvania and the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 1,245 cases of tomato juice at Pittsburgh, Pa., and 772 cartons of tomato juice at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about September 14 and September 18, 1936, by the Victor Preserving Co., from Ontario, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Armour's Star Vitamins A-B-C Tomato Juice * * * Armour and Company Chicago U. S. A. Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 10, 1937, no claim having been entered for the goods seized at Youngstown, judgment of condemnation was entered and it was ordered that the lot be destroyed. On April 19, 1937, F. B. Huxley, Ontario, N. Y., claimant for the goods seized at Pittsburgh, Pa., having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be separated therefrom and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27009. Adulteration of tomato puree. U. S. v. 75 Cases and 189 Cases of Canned Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 38874. Sample nos. 4968-C, 4969-C.)

This case involved shipments of canned tomato puree that contained excessive mold.

On December 23, 1936, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 264 cases of canned tomato puree at Decatur, Ill., alleging that the product was shipped in interstate commerce on or about November 24 and November 29, 1936, by the Frazier Packing Corporation from Elwood, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ward Rose Brand Tomato Puree Packed for C. E. Ward & Sons Decatur, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 2, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27010. Adulteration of frozen eggs. U. S. v. 1,000, 441, 83, and 50 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond conditioned that decomposed eggs be segregated and destroyed, and remainder relabeled. (F. & D. nos. 38879, 38880. Sample nos. 8843-C to 8846-C, incl.)

These frozen eggs contained added water and were in part decomposed.

On December 29, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,574 cans of frozen eggs at Jersey City, N. J., alleging that the article had been shipped in interstate commerce in part on or about September 26, October 23, and October 26, 1936, by the Producers' Produce Co., Inc., from Springfield, Mo.; and in part on or about December 7, 1936, from Chicago, Ill., by the Fulton Market Cold Storage Co., for the Producers' Produce Co., Inc., of Springfield, Mo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength. Adulteration was alleged for the further reason that the article consisted in whole or in part of a decomposed or putrid animal substance.

On February 1, 1937, T. A. Ritter, New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portions be segregated therefrom and destroyed or denatured, and the good portion properly labeled,

W. R. GREGG, *Acting Secretary of Agriculture.*

27011. Adulteration of canned tomato paste. U. S. v. 23 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 38885. Sample no. 28653-C.)

This case involved a shipment of tomato paste that contained excessive mold.

On December 30, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of canned tomato paste at Bradford, Pa., alleging that it had been shipped in interstate commerce on or about December 18, 1936, by the Lawtons Canning Co., from Lawtons, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Royal Kitchen * * * Tomato Paste * * * Distributed by The Miles Companies Bradford, Kane & DuBois, Pa."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On March 9, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27012. Adulteration of dressed poultry. U. S. v. 16 Boxes and 23 Boxes of Common Poultry. Consent decree of condemnation. Product released under bond for salvaging. (F. & D. no. 38906. Sample nos. 26163-C, 26164-C.)

This case involved dressed poultry a part of which was decomposed and diseased.

On January 6, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 boxes of dressed poultry

at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 20, 1936, by the Litchfield Produce Co., from Litchfield, Minn., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed or putrid animal substance and was the product of diseased animals.

On February 3, 1937, Litchfield Produce Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvaging the portion fit for human consumption.

W. R. GREGG, *Acting Secretary of Agriculture.*

27013. Adulteration of tomato catsup. U. S. v. 848 Cases of Tomato Catsup. Default decree of destruction. (F. & D. no. 38921. Sample no. 5235-C.)

This case involved a shipment of tomato catsup that contained filth resulting from worm infestation.

On January 8, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 848 cases, more or less, of tomato catsup at St. Paul, Minn., alleging that it had been shipped in interstate commerce on or about October 12, 1936, by the Lippincott Co., from Boonville, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Serv-Well Brand Tomato Catsup distributed by Twin City Wholesale Grocer Co. St. Paul Minneapolis Minn."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On or about March 4, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27014. Adulteration of dill pickles. U. S. v. 25 Dozen Bottles of Dill Pickles. Default decree of condemnation and destruction. (F. & D. no. 38922. Sample no. 10300-C.)

This case involved a shipment of dill pickles that were decomposed.

On January 8, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 dozen bottles of dill pickles at Los Angeles, Calif., alleging that it had been shipped in interstate commerce on or about June 12, 1935, by Mrs. Schlorers, Inc., from Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mrs. Schlorers Processed Dill Pickles Mrs. Schlorers, Incorporated, Philadelphia, Pa."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 11, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27015. Adulteration of canned cherries. U. S. v. 35 Cartons of Canned Cherries. Default decree of condemnation and destruction. (F. & D. no. 38923. Sample no. 24112-C.)

This case involved a shipment of canned cherries that contained worms.

On January 8, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cartons of canned cherries at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about August 25 and October 13, 1936, by the Starr Fruit Products Co., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red Sour Pitted Cherries Packed for Mason Ehrman and Co. Main Office Portland Oregon."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 6, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27016. Misbranding of shelled nut meats. U. S. v. 163 Packages of Shelled Pecans; 63 Packages of Mixed Nut Meats, and 83 Packages of Shelled Walnut Meats. Default decree of condemnation and destruction. (F. & D. no. 38980. Sample nos. 12153-C, 12159-C, 12160-C.)

This case involved nut meats the packages of which had false bottoms, and consequently did not contain the amount of food indicated by the size of the packages. The statement of the quantity of the contents appeared on sticker labels attached to the bottom of the packages.

On January 25, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 309 packages of nut meats at Providence, R. I., alleging that it had been shipped in interstate commerce on or about November 20, 1936, by the Bordo Products Co., from Jersey City, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Nut Meats Net Wt. 4 Ozs. [or "5 Ozs.]" Bordo Products Company Chicago."

It was alleged to be misbranded in that the packages were slack-filled and bore a device, namely, a cardboard false bottom, which was misleading since the packages did not contain the quantity of food they purported to contain; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the container, since the sticker label on which the net weight statement appeared was on the bottom of the package.

On February 16, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27017. Misbranding of potatoes. U. S. v. 1 Car of Potatoes. Judgment for the Government. Product ordered released under bond subject to relabeling. (F. & D. no. 39021. Sample no. 24-C.)

This product was falsely labeled "U. S. No. 1 Grade Potatoes."

On or about February 4, 1937, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of potatoes at Charleston, W. Va., alleging that they had been shipped in interstate commerce by Thos. F. Smith & Sons, Inc., from Chicago, Ill. to Columbus, Ohio, and had been reconsigned on or about January 28, 1937, to Charleston, W. Va., and charging misbranding in violation of the Food and Drugs Act. They were labeled in part: "Smiths Tayst-A-Won Michigan Potatoes Packed by Thomas F. Smith and Sons Inc Chicago Ill. U. S. No. One."

The libel alleged that the article was misbranded in that potatoes below U. S. Grade No. 1 had been substituted for grade No. 1 potatoes, which the article purported to be.

On February 8, 1937, Thos. F. Smith & Sons, Inc. having appeared as claimant and having admitted the allegations of the libel, judgment was entered for the Government and the product was ordered released under bond subject to relabeling in compliance with the law.

W. R. GREGG, *Acting Secretary of Agriculture.*

27018. Adulteration of canned shrimp. U. S. v. 170 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 39035. Sample no. 26624-C.)

This case involved a shipment of canned shrimp that was in part decomposed.

On February 4, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 170 cases of canned shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 14, 1937, by the Lowden Corporation, from Savannah, Ga., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Forest City Brand Wet Pack Shrimp * * * The Lowden Corp., Distributors Savannah, Ga. U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On February 23, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27019. Adulteration of gelatin. U. S. v. 1 Barrel of Gelatin. Default decree of condemnation and destruction. (F. & D. no. 39062. Sample no. 17580-C.)

This product contained excessive arsenic.

On or about February 17, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of gelatin at Hoboken, N. J., alleging that it had been shipped in interstate commerce on or about January 11, 1937, by J. Raphael & Sons, from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rayson Brand Gelatine."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On March 19, 1937, no claimant having appeared, decree of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27020. Adulteration of butter. U. S. v. 11 Tubs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 39104. Sample no. 19776-C.)

This product contained less than 80 percent of milk fat.

On January 14, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 tubs of butter at Somerville, Mass., consigned about January 5, 1937, alleging that the article had been shipped in interstate commerce on or about January 5, 1937, by the Ortonville Ice Cream & Butter Co., from Ortonville, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be, the act of Congress approved March 4, 1923, providing that butter shall contain not less than 80 percent by weight of milk fat.

On January 18, 1937, First National Stores, Inc., Somerville, Mass., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

W. R. GREGG, *Acting Secretary of Agriculture.*

27021. Adulteration of canned shrimp. U. S. v. 5 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 39127. Sample nos. 20350-C, 20557-C.)

This product was in part decomposed.

On February 24, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of canned shrimp at Providence, R. I., alleging that it had been shipped in interstate commerce on or about December 8 and 30, 1936, by the W. M. Brooks Packing Co., Inc., from Fernandina, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Florida Sea Brand Medium Shrimp * * * Packed By W. M. Brooks Packing Co., Inc. Fernandina, Fla."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 12, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27022. Adulteration and misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Product released under bond to be relabeled. (F. & D. no. 39137. Sample nos. 35527-C, 35528-C.)

These potatoes were below the grade declared on the label.

On February 24, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at St. Louis, Mo., alleging that they had been shipped in interstate commerce on or about February 15, 1937, by Joe (Joseph L.) Bushman from Galloway, Wis., and charging adulteration and misbranding in violation of the Food and

Drugs Act. The article was labeled in part: "North Star [or "Northland"] U. S. Grade No. 1 * * * Joseph L. Bushman, Galloway, Wis."

It was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted for U. S. Grade No. 1 potatoes, which the article purported to be.

The article was alleged to be misbranded in that the statement "U. S. Grade No. 1" borne on the label was false and misleading and tended to deceive and mislead the purchaser when applied to an article below U. S. Grade No. 1.

On February 26, 1937, Joseph L. Bushman, claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for relabeling.

W. R. GREGG, *Acting Secretary of Agriculture.*

27023. Adulteration and misbranding of potatoes. U. S. v. 1 Carload Containing 360 Sacks of Potatoes. Consent decree of condemnation. Product released subject to relabeling. (F. & D. no. 39146. Sample no. 23-C.)

This case involved potatoes which were below the grade indicated on the label.

On February 26, 1937, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of potatoes containing 360 sacks, more or less, at Louisville, Ky., alleging that they had been shipped in interstate commerce on or about February 23, 1937, by C. H. Runciman from Lowell, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lowell Brand U. S. Grade No. 1."

It was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted in part for U. S. Grade No. 1 potatoes, which the article purported to be.

The article was alleged to be misbranded in that the statement "U. S. Grade No. 1", borne on the label, was false and misleading and tended to deceive and mislead the purchaser thereof, since it represented that said potatoes were of the standard established as U. S. Grade No. 1 potatoes; whereas they fell below said grade and standard.

On March 3, 1937, Edw. F. Leist & Co., of Louisville, Ky., having appeared as claimant, consent decree of condemnation was entered and it was ordered that the product be released subject to relabeling in conformity with the law.

W. R. GREGG, *Acting Secretary of Agriculture.*

27024. Adulteration and misbranding of marjoram leaves. U. S. v. 50 Pounds of Marjoram Leaves. Default decree of condemnation and destruction. (F. & D. no. 39172. Sample no. 20561-C.)

A sample taken from this product yielded only approximately 0.55 percent of volatile oil; whereas a normal sample should yield at least 1.2 percent of volatile oil.

On March 5, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 pounds of marjoram leaves at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about January 19, 1937, by Van Loan & Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "50 Lbs. Leaf German Marjoram."

The article was alleged to be adulterated in that marjoram leaves from which a portion of the volatile oil content had been removed, had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for marjoram leaves, which the article purported to be; and in that a valuable constituent of the article, volatile oil, had been abstracted in whole or in part.

It was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, marjoram leaves, and in that the name "marjoram" in connection with said product was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing less volatile oil than it should contain.

On March 27, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27025. Adulteration of frozen eggs. U. S. v. 260 Cans of Frozen Eggs. Default decree of condemnation and destruction. (F. & D. no. 39056. Sample no. 8852-C.)

This product was represented to be frozen whole eggs. Examination showed that it consisted of a mixture of egg white and whole eggs and that it was decomposed and putrid.

On February 5, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 260 cans of frozen eggs at New York, N. Y., alleging that they had been shipped in interstate commerce on or about October 16, 1936, by the Producers' Produce Co., Inc., from Springfield, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a mixture of egg white and whole eggs had been substituted wholly or in part for whole eggs, which it purported to be, and in that it consisted wholly or in part of a decomposed or putrid animal substance.

On February 25, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27026. Adulteration of canned sardines. U. S. v. 596 Cartons and 196 Cartons of Canned Sardines. Decree of condemnation and destruction. (F. & D. no. 30524. Samples nos. 39901-A, 39902-A.)

Samples taken from these lots of canned sardines were found to be decomposed.

On June 19, 1933, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 792 cartons of canned sardines at Charleston, S. C., alleging that they had been shipped in interstate commerce on or about May 8, 1933, by Van Camp Sea Food Co., Inc., from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Van Camp's Sardines in Tomato Paste * * * Packed by Van Camp Sea Food Co., Inc., Terminal Island, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 8, 1937, Van Camp Sea Food Co., Inc., having appeared as claimant, the following decree was entered:

"Whereas, it is alleged in the libel herein that the product described therein consists in whole or in part of a decomposed animal substance, and

"Whereas, it is agreed that the said product has now deteriorated to such an extent that it cannot be used for food, it is hereby

"Ordered, Adjudged, and Decreed, that the answer of the defendant in this case be withdrawn and that the sardines described in the libel herein be condemned, forfeited, and destroyed, and that the claimant, Van Camp Sea Food Company, Incorporated, pay the costs of this proceeding."

W. R. GREGG, *Acting Secretary of Agriculture.*

27027. Misbranding of vinegar. U. S. v. C. H. Musselman Co. Plea of guilty. Fine \$1,500. (F. & D. no. 33971. Sample nos. 59670-A, 61758-A, 65143-A, 68002-A.)

This case involved vinegar that was short in volume.

On May 9, 1935, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the C. H. Musselman Co., a corporation trading at Inwood, W. Va., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 31, October 3, October 5, 1933, and February 23, 1934, from the State of West Virginia into the States of Pennsylvania and Illinois of quantities of vinegar that was misbranded. A portion of the article was labeled: "Fox Brand Pure Apple Cider Contents One Pint * * * Vinegar Fox Grocery Company Charleroi, Pa. Uniontown, Pa." The remainder was labeled: "Contents 1 Quart Rosemary * * * Pure Apple Cider Vinegar Full Strength Samuel Kunin & Sons, Inc. Distributors Chicago, Ill."

The article was alleged to be misbranded in that the statements "Contents One Pint" and "Contents 1 Quart", borne on the bottle labels, were false and misleading and in that the article was labeled so as to deceive and mislead the purchaser since they represented that the bottles contained 1 pint and 1 quart, respectively, of the article; whereas the bottles contained less than 1 pint and 1 quart, respectively, of the article. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 23, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$1,500.

W. R. GREGG, *Acting Secretary of Agriculture.*

27028. Misbranding of salad oil. U. S. v. Economu & Ritsos, Inc., Theodore Economu and George Economu. Pleas of guilty. Total fines, \$1,500; \$1,000 remitted. (F. & D. no. 35889. Sample nos. 25949-B, 44011-B, 44014-B.)

This case involved a product that consisted almost entirely of oils other than olive oil and which was labeled to convey the impression that it was olive oil.

On July 3, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Economu & Ritsos, Inc., New York, N. Y., and Theodore Economu and George Economu, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about September 11, 1934, from the State of New York into the State of Massachusetts; and on or about December 4 and December 9, 1935, from the State of New York into the State of Rhode Island of quantities of salad oil that was misbranded. A portion of the article was labeled: "Prodotto Garantito Olio Finissimo La Gustosa Brand." The remainder was labeled: "Italian Product Extra Fine Oil Imported La Gusta Brand Lucca Italy."

The article was alleged to be misbranded in that the statements, "Olio Finissimo. The Oil Contained In This Can Is * * * Guaranteed To Be Of The Finest Quality, Extra Fine Oil, L'Olio Che Questa Latta Contiene E Di Qualita Extra Fine", with respect to the La Gustosa brand, and "Italian Product, Extra Fine Oil, Imported, Lucca, Italy, The Oil Contained In This Can Is * * * Guaranteed To Be Of The Finest Quality, Imported From Italy", with respect to the La Gusta brand, together with the designs of olive branches bearing olives, borne on the cans, were false and misleading, and in that said statements and designs were borne on the cans so as to deceive and mislead the purchaser, since they represented that the article was olive oil and that the La Gusta brand had been imported from Italy, whereas the La Gustosa brand was composed almost wholly of oil other than olive oil and contained very little, if any, olive oil, and the La Gusta brand was a domestic product consisting almost entirely of cottonseed oil and contained very little, if any, olive oil. Misbranding was alleged with respect to the La Gusta brand for the further reason that it was an imitation of another article, namely, olive oil, and in that it was artificially flavored and colored with undeclared flavor and color.

On January 8, 1937, pleas of guilty were entered on behalf of the defendants and on January 11, 1937, the court imposed the following fines: George Economu, \$150 with \$100 remitted; Economu & Ritsos, Inc., \$450 with \$300 remitted; Theodore Economu, \$900 with \$600 remitted.

W. R. GREGG, *Acting Secretary of Agriculture.*

27029. Misbranding of dairy feed. U. S. v. The Chapman-Doake Co. Plea of guilty. Fine, \$25. (F. & D. no. 35964. Sample no. 29776-B.)

This product contained less crude protein and less crude fat than was declared on the tag attached to the sack.

On August 31, 1936, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chapman-Doake Co., a corporation, Decatur, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 6, 1935, from the State of Illinois into the State of Indiana of a quantity of dairy feed that was misbranded. It was labeled in part: (Tag) "Special Milk Producer Dairy Feed Registered by The Chap-

man-Doake Company, Decatur, Ill. Guaranteed Analysis Crude Protein, not less than 16.5% Crude Fat, not less than 3.0%."

The article was alleged to be misbranded in that the statements, "Guaranteed Analysis Crude Protein, not less than 16.5%" and "Crude Fat, not less than 3.0%", borne on the tag, were false and misleading in that they represented that it had a crude protein content of not less than 16.5 percent, and a crude fat content of not less than 3.0 percent; whereas the article had a crude protein content and a crude fat content amounting to less than 16.5 percent and 3.0 percent, respectively; and in that the said statements were borne on the tags so as to deceive and mislead the purchaser.

On April 6, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

27030. Misbranding of cottonseed cake and meal. U. S. v. Warren Cotton Oil & Manufacturing Co. Plea of guilty. Fine, \$10. (F. & D. no. 35065. Sample nos. 33006-B, 33012-B.)

This product contained a smaller proportion of protein than that declared on the label.

On September 30, 1935, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Warren Cotton Oil & Manufacturing Co., a corporation, Warren, Ark., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 28, 1935, from the State of Arkansas into the State of Kansas, of quantities of cottonseed cake and meal which were misbranded. A portion of the article was labeled: "Chickasha Prime 43% Protein Cottonseed Cake or Meal Guaranteed Analysis Protein not less than 43.00% * * * Manufactured by or for Chickasha Cotton Oil Company Chickasha, Okla." The remainder was labeled: "Ama-Tex Brand 43% Protein Cotton Seed Cake and Meal * * * Guaranteed Analysis Protein not less than 43% * * * Manufactured For C. R. Garner & Co. Amarillo, Texas."

The article was alleged to be misbranded in that the statements, "43% Protein" and "Guaranteed Analysis Protein, not less than 43.00% [or "43%"]", borne on the tags attached to the sacks containing the article, were false and misleading and were borne on said tags so as to deceive and mislead the purchaser, since the article contained less than 43 percent of protein, samples taken from each of the two consignments having been found to contain not more than 39.38 percent and 40.50 percent, respectively, of protein.

On October 31, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

27031. Adulteration of canned tomato paste. U. S. v. 100, 100, and 500 Cartons of Canned Tomato Paste. Default decrees of condemnation and destruction. (F. & D. nos. 36156, 36159, 36215. Sample nos. 15558-B, 16045-B, 16046-B.)

This product contained filth resulting from worm infestation.

On August 22 and 26, 1935, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 700 cartons of canned tomato paste at New York, N. Y., alleging that it had been shipped in interstate commerce on or about July 13 and 19, 1935, by the Coast Fishing Co., from Wilmington, Calif., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Campania Brand Tomato Paste * * * Packed by [or "Exclusive Packers"] Italian Food Products Co., Inc., Long Beach, Calif." The remainder was labeled: "Reumberto Tomatine Concentrated Tomato Paste * * * United Pure Food Co., N. Y., Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 18 and March 25, 1937, orders of the court having been entered providing that the answers of the claimants be withdrawn and canceled, judgments of condemnation were entered and it was ordered that the product be destroyed and that costs be assessed against the claimants, Domenico D'Angiola and the Anaheim Canning Co., Inc. of New York, N. Y.

W. R. GREGG, *Acting Secretary of Agriculture.*

27032. Adulteration of canned salmon. U. S. v. Superior Packing Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 36998. Sample nos. 37894-B, 37897-B.)

This case involved canned salmon that was in part decomposed.

On May 15, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Superior Packing Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 16, 1935, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On March 1, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

27033. Adulteration of canned salmon. U. S. v. Western Pacific Packing Co. Plea of guilty. Fine, \$150 and costs. (F. & D. no. 37001. Sample nos. 53606-B, 53614-B, 53646-B, 64981-B.)

This case involved canned salmon that was in part decomposed.

On November 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Pacific Packing Co., a corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 15, 1935, from the Territory of Alaska into the State of Washington, a quantity of canned salmon which was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On January 11, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$150 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

27034. Misbranding of cottonseed cake. U. S. v. Rule-Jayton Cotton Oil Co. Plea of guilty. Fine, \$50. (F. & D. no. 37056. Sample no. 49180-B.)

This case involved cottonseed cake that contained less protein than declared on the label.

On July 1, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rule-Jayton Cotton Oil Co., a corporation, Stamford, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 28, 1935, from the State of Texas into the State of Kansas of a quantity of cottonseed cake that was misbranded. The article was labeled in part: (Tag) "Rule-Jayton Cotton Oil Company Manufacturers of Cottonseed Products * * * Stamford, Texas * * * Guaranty Crude Protein, not less than 43%."

The article was alleged to be misbranded in that the statement "crude protein not less than 43%", borne on the tag, was false and misleading and in that it was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of crude protein, namely, not more than 40.56 percent of crude protein.

On December 7, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

27035. Misbranding of maple sirup sugar cakes. U. S. v. William H. Godfrey (Alhambra Candy Co.). Plea of guilty. Placed on probation for 1 year under suspended sentence of \$100 fine. (F. & D. no. 37064. Sample nos. 40733-B, 65265-B.)

This product contained approximately 20 percent of maple sugar and was labeled to indicate that it consisted wholly of maple sugar.

On September 8, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William H. Godfrey, trading as Alhambra Candy Co., Alhambra, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about January 28 and March 6, 1936, from the State of California into the State of Washington, of a quantity of maple

sirup sugar cakes that were misbranded. The article was labeled in part: (Crate) "Vermont Maple Syrup Sugar Cakes"; (wrapper) "Vermont Maple Syrup Sugar Cakes 100% Pure."

The article was alleged to be misbranded in that the statements, "Vermont Maple Syrup Sugar Cakes", borne on the crates and wrappers, and "100% Pure", borne on the wrappers were false and misleading, and in that it was labeled so as to deceive and mislead the purchaser, since the said statements represented that it consisted wholly of maple sirup sugar; whereas it consisted in large part of a product other than maple sirup sugar.

On March 1, 1937, the defendant entered a plea of guilty and was placed on probation for 1 year under a suspended sentence of \$100 fine.

W. R. GREGG, *Acting Secretary of Agriculture.*

27036. Adulteration and misbranding of whisky. U. S. v. 4 Cases of Alleged Whisky. Default decree of condemnation and destruction. (F. & D. no. 37146. Sample no. 67426-B.)

This case involved imitation whisky that had been substituted for whisky.

On February 3, 1936, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of alleged whisky at Wilmington, Del., alleging that the article had been shipped in interstate commerce on or about December 19, 1935, by the National Wholesale Liquor Co. from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Seaboard Whiskey Bottled for Seaboard Distillers Products Baltimore, Md."

The article was alleged to be adulterated in that imitation whisky had been substituted for the article.

It was alleged to be misbranded in that the name "Whiskey" was false and misleading and tended to deceive and mislead the purchaser when applied to imitation whisky, and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, whisky.

On October 14, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27037. Adulteration and misbranding of olive oil. U. S. v. 16 Half-Gallon Cans, 15 Quart Cans, and 55 Gallon Cans of Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 37807. Sample nos. 55339-B, 55340-B.)

This case involved olive oil adulterated with tea-seed oil.

On June 11, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 86 cans of olive oil at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about February 21 and April 27, 1936, by Moscahlades Bros., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Elephant Brand Imported Virgin Olive Oil Embro Import Co. * * * New York, N. Y. Sole Distributors."

It was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce and lower its quality or strength, and had been substituted in whole or in part for olive oil, which it purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil; "Imported Virgin Olive Oil * * * Puro Olio d'Oliiva Vergine * * * [design of olive branch and olives] The olive oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis and is highly recommended for table use and medicinal purposes"; "L'Olio di oliiva che questa latta contiene, e prodotto da olive accuratamente scelte, e garantito di essere assolutamente puro sotto qualunque analisi chimica. Esso e altamente raccomandato tanto per uso de tavola come per uso medicinale."; "Imported Olive Oil"; "Imported from Italy." It was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On March 25, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27038. Adulteration of cream. U. S. v. One 10-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 37853. Sample no. 71062-B.)

This product was filthy and decomposed.

On June 16, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 10-gallon can of cream at Sacramento, Calif., alleging that the article had been shipped in interstate commerce, on or about June 10, 1936, by Joe Morris from Reedsport, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 16, 1936, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27039. Adulteration of walnut meats. U. S. v. Ralph W. Gold and Sam Gendel (Los Angeles Nut House). Tried to the court. Judgment of guilty. Fines, \$100. (F. & D. no. 37920. Sample no. 53715-B.)

This case involved nut meats that were in part moldy, wormy, rancid, or decomposed.

On July 9, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ralph W. Gold and Sam Gendel, trading as the Los Angeles Nut House, Los Angeles, Calif., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about December 24, 1935, from the State of California into the State of Washington of a quantity of walnut meats that were adulterated. The article was labeled in part: "Standard Amber Walnut Meats * * * L. A. Nut House * * * Los Angeles."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed vegetable substance.

On March 30, 1937, the case having come on for trial before the court without a jury, the defendants were adjudged guilty and were each sentenced to pay a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

27040. Adulteration of canned salmon. U. S. v. Ocean Packing Co. Plea of guilty. Fine, \$24 and costs. (F. & D. no. 37949. Sample nos. 65106-B, 65134-B.)

This case involved canned salmon that was in part decomposed.

On September 24, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ocean Packing Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 26, 1935, from the Territory of Alaska into the State of Washington of a quantity of canned salmon that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On January 4, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$24 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

27041. Misbranding of bread. U. S. v. Royal Baking Co. Plea of guilty. Fine, \$32. (F. & D. no. 37958. Sample nos. 67947-B, 67948-B, 73780-B, 73863-B.)

This bread was misbranded because the loaves weighed less than declared on the label. A part was misbranded further because it was labeled to convey the impression that it was made with more milk than is used in making milk bread; whereas it contained less milk solids than milk bread contains.

On February 27, 1937, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Royal Baking Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about February 21, April 16, and May 22, 1936, from Salt Lake City, Utah, into the States of Wyoming and Nevada of quantities of bread that was misbranded. A part of the article was labeled: "Royal Sandwich Bread Weight 1½ Lbs. Made by Royal Baking Co. Salt-Lake-Ogden Made with More Milk." The remainder was labeled: "Royal Long Royal

Bread 1 Lb. [or "1 Lb. 2 Ozs." or "One Pound"] Royal Baking Co. Salt Lake-Ogden."

The article was alleged to be misbranded in that the statements, "Made with more milk" and "Weight 1½ lbs." with respect to a portion, and "1 Lb.", "1 Lb. 2 Ozs.", and "One Pound" with respect to the remainder, borne on the labels, were false and misleading and were borne on the packages so as to deceive and mislead the purchaser in that they represented that each of the packages contained the weight declared on the label, and that the portion labeled "Sandwich Bread" contained more milk solids than milk bread; whereas the packages contained less than the amount declared on the label and the sandwich bread contained less milk solids than milk bread contains. Said article was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On March 6, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$32.

W. R. GREGG, *Acting Secretary of Agriculture.*

27042. Adulteration and misbranding of coffee and of coffee and chicory. U. S. v. Dannemiller Coffee Co. of Louisiana, Inc. Plea of nolo contendere. Fine, \$100. (F. & D. no. 37960. Sample nos. 62259-B, 62452-B, 62457-B, 62458-B, 62459-B.)

This case involved two shipments of coffee, also three shipments of mixed coffee and chicory, all of which contained added coffee chaff.

On September 21, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Dannemiller Coffee Co. of Louisiana, Inc., at New Orleans, La., alleging interstate shipments by said company in violation of the Food and Drugs Act, on or about January 3, 16, and 30, and February 3, 1936, from the State of Louisiana into the State of Mississippi of quantities of coffee and coffee and chicory that were adulterated and misbranded. The articles were labeled, variously: "Coffee & Chicory, from Dannemiller Coffee Co. of La., New Orleans, La."; "Big Hit Coffee & Chicory Dannemiller Coffee Co. * * * Southern Who. Gro. Co. Brookhaven, Miss."; "Big Hit Brand * * * 100% Pure Fresh Roasted Coffee"; "Extra 100% Pure Ground Coffee P. P. Williams Co. Vicksburg, Miss."

The articles were alleged to be adulterated in that coffee chaff had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength, and had been substituted in part for coffee and for coffee and chicory, which the articles purported to be.

They were alleged to be misbranded in that the statements, "100% Pure Fresh Roasted Coffee", "100% Pure Ground Coffee", and "Coffee & Chicory", borne on the bags, were false and misleading and were applied to them so as to deceive and mislead the purchaser since they represented that the articles consisted of coffee and of coffee and chicory, respectively; whereas they consisted in part of coffee chaff. The articles were alleged to be misbranded further in that they were offered for sale and sold under the distinctive names of other articles, "Coffee" and "Coffee & Chicory."

On March 4, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

27043. Adulteration and misbranding of olive oil. U. S. v. Italian Importing Corporation and Anthony Cipolla. Pleas of guilty. Italian Importing Corporation fined \$100. \$75 remitted; Anthony Cipolla fined \$400, \$300 remitted. (F. & D. no. 38003. Sample nos. 61085-B, 68825-B.)

This case involved olive oil that was adulterated with tea-seed oil.

On August 26, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Italian Importing Corporation, New York, N. Y., and Anthony Cipolla, president and treasurer of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about March 4, 1936, from the State of New York into the State of Louisiana; and on or about March 12, 1936, from the State of New York into the State of New Jersey, of quantities of olive oil which was adulterated and misbranded. The article was labeled in part: "L'Italia Redenta Brand Pure Olive Oil * * * L'Italia Redenta Olive Oil Co. N. Y."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the statements, "L'Italia * * * Pure Olive Oil * * * Our olive oil is guaranteed by us to be absolutely pure under any chemical analysis * * * L'Italia * * * Il nostro olio di ulivo e' da noi garantito sotto qualsiasi analisi chimica assolutamente puro L'Italia", together with the design of olive leaves and olives, the map of Italy, the Italian national colors, red, white, and green, and the Italian coat-of-arms, borne on the cans containing the article, were false and misleading, and in that the said statements and designs were borne on the cans so as to deceive and mislead the purchaser, since they represented that the article was composed wholly of olive oil; whereas it was composed in large part of tea-seed oil. The article was alleged to be misbranded further in that it was offered for sale and sold under the distinctive name of another article, namely, olive oil.

On November 30, 1936, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of \$100 against the Italian Importing Corporation and remitted \$75 thereof, and a fine of \$400 against Anthony Cipolla and remitted \$300 thereof.

W. R. GREGG, *Acting Secretary of Agriculture.*

27044. Adulteration of canned salmon. U. S. v. Sebastian-Stuart Fish Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 38008. Sample no. 65161-B.)

This case involved canned salmon that was in part decomposed.

On November 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sebastian-Stuart Fish Co., a corporation, Seattle, Wash., alleging shipment by said company on or about September 2, 1935, from the Territory of Alaska into the State of Washington of a quantity of canned salmon which was adulterated. The article was labeled in part: (Can) "Dawn Brand Alaska Pink Salmon Packed By Sebastian-Stuart Fish Co. Seattle, Wash."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 11, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

27045. Adulteration of salmon. U. S. v. Quality Seafood Packing Co. Plea of guilty. Fine, \$10 and costs. (F. & D. no. 38037. Sample no. 60901-B.)

This case involved canned salmon which was in part decomposed.

On December 18, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Quality Seafood Packing Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 21, 1935, from the State of Washington into the State of New York, of a quantity of canned salmon which was adulterated. The article was labeled in part: "King's Taste Pink Salmon * * * Vacuum Packed For Lighthouse Packing Co. Point Roberts Washington."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January, 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

27046. Adulteration of crab meat. U. S. v. 1 Barrel (Ninety-seven 1-Pound Cans) of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38134. Sample no. 6803-C.)

This crab meat contained filth.

On or about August 3, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of ninety-seven 1-pound cans of crab meat at Baltimore, Md., alleging that it had been shipped in inter-

state commerce on or about July 29, 1936, by East End Fish & Oyster Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From East End Fish and Oyster Co. * * * Biloxi, Miss."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 11, 1936, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27047. Adulteration of canned shrimp. U. S. v. 413 Cans of Shrimp. Default decree of condemnation and destruction. (F. & D. nos. 38272, 38273. Sample nos. 3065-C, 3066-C.)

This product was in part decomposed.

On September 8, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 413 cans of shrimp at Los Angeles, Calif., alleging that it had been shipped in interstate commerce on or about February 8 and March 28, 1936, by Westergaard, Berg-Johnson Co., from Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Arctic Brand Peeled Cocktail Shrimps Packed By Grundvig & Engelsviken Packing Co. A/S Fredrikstad Norway."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 20, 1937, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27048. Adulteration of canned shrimp. U. S. v. 9 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 38341. Sample no. 15907-C.)

This product was in part decomposed.

On or about October 1, 1936, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of canned shrimp at Tampa, Fla., alleging that it had been shipped in interstate commerce, on or about September 12, 1936, by L. C. Mays Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Doll Baby Brand Dry Pack Shrimp * * * L. C. Mays Co. Inc. Distributors New Orleans, La."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 23, 1937, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27049. Adulteration of coconuts. U. S. v. 150 Bags of Coconuts. Default decree of condemnation and destruction. (F. & D. no. 38400. Sample no. 6142-C.)

This case involved coconuts that were decomposed.

On October 8, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bags of coconuts at Kansas City, Mo., alleging that they had been shipped in interstate commerce on or about September 25 and October 2, 1936, from Chicago, Ill., to Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act. The product originally had been consigned by the Universal Import & Export Co. from New Orleans, La., to Chicago, Ill., on or about August 16, 1936, and was reconsigned from Chicago, Ill., to Kansas City, Mo.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed and putrid vegetable substance.

On December 5, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27050. Misbranding of Tasty-Malt. U. S. v. 198 Tins of Tasty-Malt. Default decree of condemnation and destruction. (F. & D. no. 38488. Sample no. 9268-C.)

This product was labeled to convey the impression that it was chocolate-flavored malted milk. Examination showed that it consisted largely of sugar and cocoa, that it contained no malted milk and contained skim-milk solids instead of milk solids.

On or about October 26, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 tins of Tasty-Malt at New Haven, Conn., alleging that it had been shipped in interstate commerce on or about July 7, 1936, by Berko Malted Milk Co., Inc., from Glendale, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Superior Tasty-Malt Chocolate Flavored Healthful Malted Drink * * * Superior Packing Corp. New York City"; (carton) "Tasty-Malt Chocolate Flavor Malted Milk Purest Quality Berko Malted Milk Co., Inc. Glendale, L. I., N. Y."

The article was alleged to be misbranded in that the statements, (carton) "Tasty-Malt Chocolate Flavor Malted Milk" and (can) "Tasty-Malt * * * Malted Drink * * * Do not boil Tasty-Malt—That destroys the health giving ingredients * * * A blend of * * * milk * * * Health giving ingredients * * * Healthy and Sturdy Bodies. Beneficial for adults and invalids. * * * Guaranteed to comply with all Pure Food Laws; Superior Packing Corp. New York City", were false and misleading and tended to deceive and mislead the purchaser since they represented that the article was a chocolate-flavored malted milk and that milk was an ingredient; whereas the article consisted chiefly of sugar, contained no malted milk, and contained skim-milk solids in place of milk solids.

On January 13, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27051. Adulteration of canned beets. U. S. v. 805 Cartons of Canned Beets. Consent decree of condemnation and destruction. (F. & D. no. 38461. Sample no. 8831-C.)

This case involved a shipment of canned beets which were decomposed.

On October 23, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 805 cartons of canned beets at North Bergen, N. J., alleging that they had been shipped in interstate commerce on or about October 1, 1936, by the Krier Preserving Co., from Belgium, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Yankee * * * Beets * * * Packed for North Hudson Grocery Co. Association of Retail Grocers North Bergen, N. J."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 23, 1937, the Krier Preserving Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27052. Adulteration and misbranding of jellies. U. S. v. 570 Jars of Assorted Jellies. Default decree of condemnation and destruction. (F. & D. no. 38467. Sample nos. 10202-C to 10207-C, incl.)

These jellies contained less fruit and more sugar than standard jellies should contain. All contained added pectin; some contained added acid and others added water.

On October 29, 1936, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 570 jars of assorted jellies at Phoenix, Ariz., alleging that they had been shipped in interstate commerce on or about September 21, 1936, by Smart & Final Co., Ltd. from Wilmington, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "S & F Pure Jelly Packed for Smart & Final Co. Ltd. Wholesale Grocers Southern California Blackberry [or "Loganberry", "Red Raspberry", "Currant", or "Strawberry"]."

The articles were alleged to be adulterated: (1) in that sugar, added pectin, and acid in the case of the blackberry jelly; sugar, added pectin, and water

in the case of the loganberry and currant jellies; and sugar, added pectin, acid, and water in the case of the raspberry and strawberry jellies had been mixed and packed with the articles so as to reduce or lower their quality; (2) in that mixtures of fruit juices and said substances containing less fruit juice than jellies should contain had been substituted for jellies, which the articles purported to be; (3) and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statement, "Pure Jelly * * * Blackberry [or "Loganberry", "Red Raspberry", "Currant", or "Strawberry"]," were false and misleading and tended to deceive and mislead the purchaser when applied to articles resembling jellies but containing less fruit juice than jellies should contain; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On January 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27053. Adulteration and misbranding of butter. U. S. v. 207 Pounds of Butter. Default decree of condemnation and destruction. (F. & D. no. 38492. Sample no. 19011-C.)

This butter contained less than 80 percent of milk fat.

On or about September 29, 1936, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 207 pounds of butter at Billings, Mont., alleging that it had been shipped in interstate commerce on or about August 8, 1936, by John Morrell & Co., from Sioux Falls, S. Dak., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Yorkshire Farm."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

The article was alleged to be misbranded in that it was labeled "Butter", which was false and misleading since it contained less than 80 percent of milk fat.

On February 5, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27054. Adulteration of apples. U. S. v. 21 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38509. Sample no. 25322-C.)

These apples were contaminated with arsenic and lead.

On October 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bushels of Jonathan apples at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about October 11, 1936, by L. Cealka from Stevensville, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "V. A. Mainwaring Hartford, Mich."

It was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in an amount which might have rendered it injurious to health.

On December 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27055. Misbranding of canned peas. U. S. v. 50 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 38523. Sample no. 11645-C.)

This product fell below the standard for canned peas established by this Department, since the peas were not immature, and it was not labeled to indicate that it was substandard.

On November 9, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned peas at Charlestown, Mass., alleging that the article had been shipped in inter-

state commerce on or about July 22, 1936, from New Freedom, Pa., by Chas. G. Summers, Jr., Inc., and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Superfine Brand Early June Peas * * * Chas. G. Summers, Jr., Incorporated Cannery, New Freedom, Pa. Baltimore, Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On February 8, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27056. Adulteration of apples. U. S. v. 9 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 38540. Sample no. 15090-C.)

These apples were contaminated with arsenic and lead.

On October 10, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine baskets of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 6, 1936, by Robert Rudin from Freewater, Oreg., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Jake's Best Packed for and Distributed by Rudin Bros. Inc. St. Louis, Mo. Payette, Idaho."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 29, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27057. Adulteration of apples. U. S. v. 47 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38541. Sample no. 25649-C.)

These apples were contaminated with arsenic and lead.

On or about October 27, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 18, 1936, by C. F. Miles from St. Joseph, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A Piontek & Son R-1 Benton Harbor, Mich."

It was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27058. Adulteration of apples. U. S. v. 159 Crates of Apples. Default decree of condemnation and destruction. (F. & D. no. 38542. Sample no. 25906-C.)

These apples were contaminated with arsenic and lead.

On October 30, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 159 crates of apples at Joliet, Ill., alleging that the article had been shipped in interstate commerce, on or about October 25, 1936, by Albert Berard from Hartford, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 29, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27059. Adulteration and misbranding of tomato paste. U. S. v. 100 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 38552. Sample nos. 2916-C, 2917-C.)

This product was insufficiently concentrated and contained filth resulting from worm and insect infestation. It was also short weight.

On November 17, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of canned tomato paste at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 16, 1936, by Parrott & Co. from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Buon Gusto Brand Good Taste Purity Concentrato di Pomodoro Packed For Metropolitan Grocery Co. A. Merlino & Sons * * * Seattle, Wash. Net Weight 7 Lbs. 12-oz. * * * Tomato Paste."

It was alleged to be adulterated in that a tomato product containing less than 22 percent of tomato solids had been substituted wholly or in part for tomato paste, a product which should contain at least 22 percent of tomato solids; and in that it consisted in whole or in part of a filthy vegetable substance.

The article was alleged to be misbranded in that the statements, "Concentrato Di Pomodoro * * * Tomato Paste (Concentrato) * * * Net Weight 7 Lbs. 12-Oz.," were false and misleading and tended to deceive and mislead the purchaser, when applied to an article that was insufficiently concentrated for tomato paste and that was short weight. The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, tomato paste, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On March 25, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27060. Adulteration of canned blueberries. U. S. v. 197 Cases of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38567. Sample nos. 11668-C, 11677-C.)

This case involved canned blueberries that contained maggots.

On November 23, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 197 cases of canned blueberries at Malden, Mass., alleging that they had been shipped in interstate commerce on or about September 11, 1936, by S. D. & C. C. Cousins, Jr., from Ellsworth, Maine, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cousins Maine Blueberries * * * Packed by S. D. & C. C. Cousins Jr. Brooklyn, Me."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 29, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27061. Adulteration and misbranding of raspberry preserve. U. S. v. 37 and 82 Cases of Raspberry Preserve. Decree of condemnation. Product ordered released under bond subject to relabeling. (F. & D. no. 38705. Sample nos. 11673-C, 11675-C.)

This preserve was deficient in fruit and contained excess sugar, excess fruit moisture, and excess ash material.

On November 25, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 119 cases of raspberry preserve at Malden, Mass., alleging that the article had been shipped in interstate commerce on or about November 5, 1933, by Fresh Grown Preserve Corporation from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "Nature's Own Brand Pure Raspberry Preserve * * * Fresh Grown Preserve Corp. Brooklyn, New York."

The article was alleged to be adulterated in that excess sugar, moisture which should have been removed by boiling, and added ash material had been mixed and packed with it so as to reduce or lower its quality; in that a mixture of fruit, sugar, and ash material, containing less fruit and more sugar than preserve, and containing fruit moisture which should have been removed by boiling, had been substituted for preserve, which the article purported to be; and in that it had been mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Pure Raspberry Preserve", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article resembling a preserve but which contained less fruit than preserve, and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, preserve.

On January 28, 1937, the Fresh Grown Preserve Corporation having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond subject to relabeling.

W. R. GREGG, *Acting Secretary of Agriculture.*

27062. Adulteration of walnuts and walnut meats. U. S. v. 12 Bags of Walnuts in Shell and 8 Bags of Walnut Meats. Default decree of condemnation and destruction. F. & D. nos. 38710, 38711. Sample nos. 29318-C, 29319-C.)

These nuts and nut meats were wholly or in part moldy, rancid, and decomposed.

On November 25, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bags of walnuts in shell and 8 bags of walnut meats at Tacoma, Wash., alleging that they had been shipped in interstate commerce on or about November 19, 1936, by John Marino from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 11, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27063. Adulteration of tomato puree. U. S. v. 24 Cases and 177 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. & D. nos. 38714, 39228. Sample nos. 25713-C, 30418-C.)

A part of this product contained excessive mold and the remainder contained filth resulting from worm infestation.

On November 30, 1936, and March 17, 1937, the United States attorneys for the Northern District of Illinois and the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in their respective district court libels praying seizure and condemnation of 24 cases of tomato puree at Chicago, Ill., and 177 cases of tomato puree at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 21 and October 30, 1936, by the Decatur Packing Corporation from Greensburg, Ind., and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Geoghegan's Delicious Tomato Puree * * * Distributed by Edward A. Geoghegan * * * Chicago, Illinois." The remainder was labeled: "Golf Club Brand Tomato Puree Green Bros. Mercantile Co. Kansas City, Mo. Distributors."

The article was alleged to be adulterated in that a portion consisted in whole or in part of a decomposed vegetable substance, and the remainder consisted in whole or in part of a filthy vegetable substance.

On January 27 and April 26, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27064. Adulteration of tomato ketchup, tomato puree, and tomato juice. U. S. v. 143 Cartons of Tomato Ketchup, et al. Decrees of condemnation and destruction. (F. & D. nos. 38524, 38525, 38566, 38722, 38723, 38762 to 38767, incl. Sample nos. 6081-C, 6082-C, 6083-C, 16183-C, 16185-C, 18289-C to 18292-C, incl., 18294-C, 18395-C, 19296-C, 25716-C to 25721-C, incl.)

Samples taken from certain shipments of these products were found to contain excessive mold, those taken from other shipments were found to contain

filth resulting from worm infestation, and those taken from the remaining shipments contained both excessive mold and filth.

On or about November 14, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of tomato ketchup and 9 cartons of tomato juice at Detroit, Mich. On or about November 21, November 28, December 2, and December 14, 1936, libels were filed against 325 cartons of tomato ketchup and 165½ cartons of tomato puree at Pittsburgh, Pa., 34 cases of tomato puree at Atlanta, Ga., 42 cases of tomato catsup at Macon, Ga., and 74 cases of tomato ketchup and 42 cases of tomato puree at Chicago, Ill. The libels alleged that the articles had been shipped in interstate commerce between the dates of September 4 and November 5, 1936, by Hirsch Bros. & Co., Inc., from Louisville, Ky., and that they were adulterated in violation of the Food and Drugs Act. The articles were labeled in part: "Paramount Tomato Ketchup [or "Paramount Oyster Hot Tomato Ketchup", "Paramount Tomato Puree", "Everready Brand Tomato Puree", "Everready Brand Tomato Ketchup", or "Hirsch's Fresh Tomato Juice"] * * * Hirsch Bros. & Co., Incorporated Louisville, Ky. and Pittsburgh, Pa."

The articles were alleged to be adulterated in that portions thereof consisted in whole or in part of a filthy and decomposed vegetable substance and portions consisted in whole or in part of a filthy vegetable substance.

On February 20, March 10, March 11, March 18, and May 6, 1937, Hirsch Bros. & Co., Inc., claimant for the lots seized at Pittsburgh, having consented to their destruction and no claim having been entered in the remaining cases, judgments of condemnation were entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27065. Adulteration of walnut meats. U. S. v. 56 Cartons of Walnut Meats. Consent decree of condemnation. Product released under bond. (F. & D. no. 38729. Sample no. 28877-C.)

This case involved walnut meats that were in part moldy and worm-eaten.

On December 1, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 cartons of walnut meats at Seattle, Wash., alleging that they had been shipped in interstate commerce on or about October 31, 1936, by the Herman C. Fisher Co., from San Francisco, Calif., charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shelled California Walnuts * * * Fisher's Excel Herman C. Fisher Co. San Francisco, Calif."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On March 27, 1937, the Herman C. Fisher Co., having appeared as claimant, consent decree of condemnation was entered, and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

W. R. GREGG, *Acting Secretary of Agriculture.*

27066. Adulteration and misbranding of canned cherries. U. S. v. 50 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 38736. Sample no. 19140-C.)

This product fell below the standard established by this Department for canned pitted cherries because of excessive pits and deficiency of sugar in the packing medium, and was not labeled to indicate that it was substandard.

On December 18, 1936, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned cherries at Cheyenne, Wyo., alleging that they had been shipped in interstate commerce on or about September 12 and September 17, 1936, by the Pacific Fruit & Produce Co., from Salt Lake City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Kaysville Brand Red Sour Cherries Pitted Packed by Kaysville Canning Corporation Kaysville, Utah."

It was alleged to be adulterated in that partially pitted red sour cherries had been mixed and packed with it so as to reduce and lower its quality and had been substituted for pitted red sour cherries, which it purported to be.

The article was alleged to be misbranded in that the statement "Red Sour Cherries Pitted", borne on the label, was false and misleading when applied to partially pitted red sour cherries. It was alleged to be misbranded further in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food since it consisted of partially pitted water-pack red sour cherries and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it was below such standard and showing that it consisted of partially pitted water-pack red sour cherries.

On February 8, 1937, the Pacific Fruit & Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled in compliance with the law.

W. R. GREGG, *Acting Secretary of Agriculture.*

27067. Adulteration of apples. U. S. v. 30 Crates of Apples. Default decree of condemnation and destruction. (F. & D. no. 38742. Sample no. 26003-C.)

This product was contaminated with arsenic and lead.

On November 13, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 crates of mixed apples at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about November 8, 1936, by Hyman Doniger from Bangor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 29, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27068. Adulteration of concentrated tomato. U. S. v. 36 Cases of Concentrated Tomato. Default decree of condemnation and destruction. (F. & D. no. 38781. Sample no. 25732-C.)

This product contained excessive mold.

On December 14, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cases of concentrated tomato at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about November 10, 1936, by John S. Mitchell, Inc., from Sharpville, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Concentrated Tomato * * * Liberty Bell Brand * * * Packed Expressly For R. Gerber & Co., Chicago, Ill. Guaranteed under all Food Laws Made in U. S. A."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 27, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27069. Adulteration of Brazil nuts. U. S. v. 27 Baskets of Brazil Nuts. Default decree of condemnation and destruction. (F. & D. no. 38785. Sample no. 23856-C.)

These nuts were moldy and rancid.

On December 10, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 baskets of Brazil nuts at Seattle, Wash., alleging that they had been shipped in interstate commerce on or about September 26, 1935, by General Food Sales Co., Inc., from Hoboken, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "King Cole Large Rite Brazil Nuts."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27070. Adulteration of canned prunes. U. S. v. 17 Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. no. 38787. Sample no. 24083-C.)

This case involved canned prunes that were in part decomposed.

On December 10, 1936, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 cases of canned prunes at Spokane, Wash., alleging that they had been shipped in interstate commerce on or about October 6, 1936, by the Western Oregon Packing Corporation, from Corvallis, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Falls Brand Italian Prunes * * * Packed for Roundup Grocery Co. Spokane, Washington."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 30, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27071. Adulteration and misbranding of tomato catsup. U. S. v. 350 Cases of Tomato Catsup (and five other seizure actions). Default decrees of condemnation and destruction. (F. & D. nos. 38789, 38852, 39140, 39173, 39306, 39307. Sample nos. 10459-C, 13892-C, 13894-C, 15933-C, 16273-C, 16274-C.)

This product contained filth resulting from worm infestation and a part was short in weight.

On or about December 11 and 23, 1936, February 26, March 4, and April 1, 1937, the United States attorneys for the Northern District of Georgia and the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 889 cases of canned tomato catsup at Atlanta, Ga., and 400 cases of the product at New Orleans, La., alleging that it had been shipped in interstate commerce by San Carlos Canning Co., in part on or about September 25, 1936, from Long Beach, Calif., in part on or about October 15, 1936, from San Carlos, Calif., and in part on or about October 25, 1936, from Los Angeles, Calif., and charging that it was adulterated and that a portion was also misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: "Topco Brand Tomato Catsup * * * Net Contents 6 Lbs. 12 Oz. Packed by Tomato Packing Corp., Harbor City, California." The remainder was labeled: "Fair Play Brand Net Weight 6 Lbs. 12 Oz. or 3.06 Kilograms Tomato Catsup * * * Parrott & Co. San Francisco, California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Certain shipments of the article were alleged to be misbranded in that the statement "Net Contents 6 Lbs. 12 Ozs." with respect to a portion of the Topco brand and the statement "Net Weight 6 Lbs. 12 Oz. or 3.06 Kilograms" with respect to the Fair Play brand were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On February 8, April 3, April 14, and May 17, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27072. Adulteration of canned tomato pulp. U. S. v. 291 Cans of Tomato Pulp. Default decree of condemnation and destruction. (F. & D. no. 38820. Sample nos. 21477-C, 21494-C, 21496-C.)

This product contained filth resulting from worm infestation.

On December 15, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 291 cans of tomato pulp at St. Louis, Mo., alleging that it had been shipped in interstate commerce on or about September 14, 1936, by the M. & R. Canning Co., from Owensboro, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 18, 1937, no claimant having appeared judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27073. Adulteration of tomato paste. U. S. v. 34, 30, and 75 Cases of Tomato Paste. Decrees of condemnation. Decomposed portion destroyed; good portion released. (F. & D. nos. 38786, 38837, 38855. Sample nos. 12197-C, 12198-C, 26359-C.)

This product was in large part decomposed.

On December 9, 19, and 22, 1936, the United States attorneys for the Eastern District of New York and the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 34 cases of tomato paste at Brooklyn, N. Y., and 105 cases of tomato paste at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about September 4 and 5, 1936, by the Flotill Products, Inc., from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Flotta Brand [or "Sublime Brand"] Pure Tomato Paste * * * Packed by Flotill Products Inc., Stockton, Calif." The remainder was labeled: "Semaco Brand Naples Style Tomato Paste * * * Packed for Semolina Macaroni Co. Inc., Providence, R. I."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 11, 1937, the Flotill Products, Inc., claimant for the goods seized at Brooklyn, N. Y., having consented to the entry of a decree, judgment was entered providing that the goods might be released under bond on condition that the decomposed portion be separated therefrom and destroyed, otherwise that it all be condemned and destroyed. The claimant having failed to comply with the conditions of release, the goods were destroyed. On April 6, 1937, judgments were entered condemning and forfeiting the two lots seized at Providence, R. I. and ordering that the decomposed portions be destroyed and the good portion delivered to the firms where the seizure was made.

W. R. GREGG, *Acting Secretary of Agriculture.*

27074. Adulteration of dressed chickens. U. S. v. 8 Barrels of Dressed Chickens. Default decree of condemnation and destruction. (F. & D. no. 38842. Sample no. 26155-C.)

This product was in part decomposed.

On December 21, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight barrels of dressed chickens at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about December 1, 1936, by the Worthington Creamery Produce Co., from Worthington, Minn., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On February 15, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27075. Adulteration of apples. U. S. v. 67 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 38845. Sample nos. 26129-C, 26146-C.)

These apples were contaminated with arsenic and lead.

On November 30, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 boxes of apples at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about October 22, 1936, by the Apple Growers Association from Odell, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Diamond Brand."

It was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On January 27, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27076. Misbranding of canned tomatoes. U. S. v. 830 Cases and 1,000 Cases of Canned Tomatoes. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 38862, 39078. Sample nos. 30241-C, 33901-C.)

This product fell below the standard for canned tomatoes established by this Department, since it contained puree from trimmings and it was not labeled to indicate that it was substandard.

On December 23, 1936, and February 11, 1937, the United States attorneys for the Northern District of Illinois and the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 830 cases of canned tomatoes at Chicago, Ill., and 1,000 cases of canned tomatoes at Kansas City, Mo., alleging that the article had been shipped in interstate commerce by the Fettig Canning Corporation in part from Elwood, Ind., on or about October 17, 1936, and in part from Daleville, Ind., on or about January 15, 1937, and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Harvest Inn Brand Tomatoes Distributed by Marshall Food Products Co. Marshalltown, Iowa." The remainder was labeled: "Mary's Choice Hand Packed Indiana Tomatoes * * * Packed by Fettig Canning Corporation, Elwood, Ind."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it consisted of tomatoes with puree from trimmings, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard, namely, "Tomatoes with puree from trimmings."

On February 11 and May 26, 1937, the Fettig Canning Corporation and the Great Atlantic & Pacific Tea Co., having appeared as claimants for their respective lots and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond to be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

27077. Misbranding of Malt-O-Milk. U. S. v. 37 Cases of Chocolate Flavor Malt-O-Milk. Default decree of destruction. (F. & D. no. 38865. Sample no. 30220-C.)

This product was labeled to convey the impression that it consisted essentially of malted milk but in fact consisted principally of sugar with small amounts of cocoa, cornstarch, and malted milk present. It contained no malt. The labeling also bore false and misleading claims regarding its food value, and other misrepresentations.

On December 22, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cases of Chocolate Flavor Malt-O-Milk at Kansas City, Mo., consigned by the Williamson Candy Co., Chicago, Ill., alleging that it had been shipped in interstate commerce on or about October 16, 1936, and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading and tended to deceive and mislead the purchaser, (carton, can label, and leaflet) The name "Malt-O-Milk" carried the definite implication that the article consisted essentially of malted milk, which was further stressed by the statement on the can label "Contains * * * malted milk", whereas the article contained no malted milk; (carton and can label) the designation "Chocolate Flavor Malt-O-Milk" and "An All Food Drink" implied that the article was chocolate-flavored malted milk and contained all the ingredients necessary to make an all food drink, whereas it consisted essentially of sugar with small amounts of cocoa and malted milk present, and the purchaser would have to supply the ingredient milk; (can label) "Contains * * * malt" represented that the article contained malt and was an invigorating drink, whereas it contained no malt and was not an invigorating drink; (leaflet) "Malt-O-Milk is the * * * body builder * * * is a carefully prepared blend of the finest cocoa, malted milk, malt and sugar * * * Suggested for * * * those that want a pep tonic" represented that Malt-O-Milk was a body builder, was a carefully pre-

pared blend of the finest cocoa, malted milk, malt, and sugar, and was suggested for those that wanted a pep tonic, whereas it was not as so represented.

On February 9, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27078. Adulteration of canned salmon. U. S. v. 200 Cases of Canned Salmon.
Portion of product released unconditionally; remainder condemned and released under bond. (F. & D. no. 38882. Sample no. 6791-C.)

Samples of this product were found to be decomposed.

On December 29, 1936, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of salmon at Mobile, Ala., alleging that it had been shipped in interstate commerce on or about September 12, 1936, by Whitney & Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part; "Whitworth Brand Alaska Pink Salmon."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 19, 1937, Whitney & Co., having appeared as claimant, judgment was entered ordering 48 cases released unconditionally, and further ordering that the remainder be condemned and released under bond, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

27079. Adulteration of tomato catsup. U. S. v. 890 Cases of Tomato Catsup.
Default decree of condemnation and destruction. (F. & D. no. 38886. Sample no. 31379-C.)

This case involved tomato catsup that contained filth resulting from worm infestation.

On December 29, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 890 cases of tomato catsup at Louisville, Ky., alleging that it had been shipped in interstate commerce on or about September 9, 10, and 29, and November 6 and 9, 1936, by the Morgan Packing Co., from Austin, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Scott Co. Brand Tomato Catsup Morgan Packing Co. Austin, Ind."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 11, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27080. Adulteration of butter. U. S. v. 2 Barrels of Packing Stock Butter.
Default decree of condemnation and destruction. (F. & D. no. 38891. Sample no. 14576-C.)

This case involved butter that contained filth.

On December 11, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of packing stock butter at Chicago, Ill., alleging that it had been shipped in interstate commerce, on or about September 3, 1936, by Ralph Hurst & Co., from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On January 27, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27081. Adulteration and misbranding of canned peas. U. S. v. 50 Cases and 802 Cartons of Canned Peas.
Default decrees of condemnation and destruction. (F. & D. nos. 38897, 39031. Sample nos. 29324-C, 29346-C, 32610-C.)

These peas were in part weevil-infested and were larger than the size indicated by the label.

On January 9 and February 3, 1937, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in

the district court libels praying seizure and condemnation of 802 cartons and 50 cases of canned peas at Portland and Baker, Oreg., respectively, alleging that they had been shipped in interstate commerce in part on or about July 10, 1936, and in part on or about August 6, 1936, by the Idaho Canning Co., from Payette, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: "Arrow Rock Brand Large Sweet Sifted Peas Size 5 * * * Packed and Guaranteed by Idaho Canning Co." The remainder was labeled: "Seven Peaks Brand June Peas * * * Packed by Idaho Canning Co. Payette and Wilder, Idaho."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

It was alleged to be misbranded in that the device of a circle borne on the label and intended to represent the exact size of the peas contained in the can, was false and misleading and tended to deceive and mislead the purchaser in that the said device represented that the peas in the can were only 10/32 inch in diameter; whereas they were approximately 13/32 inch in diameter.

On March 10 and April 9, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27082. Adulteration and misbranding of canned tomato juice. U. S. v. 820, 57, and 33½ Cases of Canned Tomato Juice. Default decrees of condemnation and destruction. (F. & D. nos. 38899, 39006, 39023. Sample nos. 11693-C, 11694-C, 12192-C, 12831-C, 12833-C.)

This product contained excessive mold and a part of it was short in volume.

On December 31, 1936, January 28, and February 1, 1937, the United States attorneys for the Western District of Pennsylvania and the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 820 cases of canned tomato juice at North East, Pa., and 95½ cases of the product at Cleveland, Ohio. On January 5, 1937, the libel filed in the Western District of Pennsylvania was amended. The libels alleged that the article had been shipped in interstate commerce by North East Preserving Works, Inc., of North East, Pa.; that a portion had been shipped from Providence, R. I., to North East, Pa., on or about December 19, 1936; that the remainder had been shipped from North East, Pa., to Cleveland, Ohio, on or about October 6 and November 24, 1936; and that the article was adulterated and a portion also was misbranded in violation of the Food and Drugs Act as amended. One lot was labeled: "Fi-Na-St Pure Tomato Juice Distributed by First National Stores, Inc. Boston, U. S. A." The remainder was labeled: "North East Tomato Juice Contents 1 Qt. 1 Pt. 2 Fl. Oz. [or "Contents 1 Pt. 5 Fl. Oz."] * * * Packed by North East Preserving Works, Inc., North East, Penn."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

Misbranding was alleged with respect to a portion of the North East brand for the reason that the statement on the label, "Contents 1 Pt. 5 Fl. Oz.," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in volume; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 11 and March 12, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27083. Adulteration and misbranding of tomato soup and adulteration of tomato catsup. U. S. v. 119½ Cases of Tomato Soup and 600, 86, and 95 Cases of Tomato Catsup. Decrees of destruction. (F. & D. nos. 38900, 39069, 39153, 39368. Sample nos. 5243-C, 30088-C, 30122-C, 30243-C.)

These products contained filth resulting from the use of worm-infested fruit.

On January 5, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 119½ cases of canned tomato soup at Duluth, Minn. On February 11, February 27, and April 13, 1937, libels were filed against 600 cases of tomato catsup at Kansas City, Mo., 86 cases at Lincoln, Nebr. and 95 cases at Fremont, Nebr. The libels alleged that

the articles had been shipped in various shipments in interstate commerce between the dates of July 29, 1936, and December 31, 1936, by the Vincennes Packing Corporation from Vincennes, Washington, and Seymour, Ind., and charging that they were adulterated and that the tomato soup also was misbranded in violation of the Food and Drugs Act. The articles were labeled variously: "Standby Tomato Soup * * * The Tomato Soup in this can is prepared from vine ripened tomatoes carefully selected, washed and trimmed Packed for Fine Foods, Inc., Seattle Wash. Minneapolis"; "Pickwick Brand Tomato Catsup * * * Distributed by Kansas City Wholesale Grocery Co. Kansas City, Mo."; "Black Bird Brand Catsup * * * Packed for H. P. Lau Co. Lincoln, Fremont, Nebr."

The articles were alleged to be adulterated in that they consisted wholly or in part of filthy vegetable substances.

The tomato soup was alleged to be misbranded in that the statement, "The tomato soup in this can is prepared from vine-ripened tomatoes, carefully selected, washed and trimmed", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, in that the presence of worm-infested tomato pulp showed that the tomatoes were not "carefully selected, washed, and trimmed", but that they contained in part a filthy vegetable substance.

On February 24, April 12, April 21, and April 22, 1937, the H. P. Lau Co., claimant for the goods seized at Fremont, Nebr., having consented to the destruction of said lot and no claim having been entered for the remaining lots, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27084. Adulteration of tomato paste. U. S. v. 9½ Cases and 12 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. & D. nos. 38902, 38947. Sample nos. 28456-C, 28624-C.)

This product contained excessive mold.

On January 4 and January 12, 1937, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 21½ cases of tomato paste at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce by the Gervas Canning Co., in part on or about October 16, 1936, from Forestville, N. Y., and in part on or about October 19, 1936, from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Benito Brand * * * Tomato Paste packed by Stanley Packing Co., Inc., Forestville, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On March 9, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27085. Misbranding of canned bean soup, pea soup, and chicken broth. U. S. v. 10 Cases Each of Canned Bean Soup, Pea Soup, and Chicken Broth. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. nos. 38928, 38929, 38930. Sample nos. 29662-C, 29663-C, 29664-C.)

This case involved canned goods that were short in weight.

On January 13, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of canned goods at Seattle, Wash., alleging that the articles had been shipped in interstate commerce on or about December 19, 1936, by the Del Ray Corporation from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Giffi Say Jiffy Condensed Bean Soup [or "Pea Soup" or "Chicken Broth"] Net Contents 10½ Fl. Oz."

The articles were alleged to be misbranded in that the statement "10½ Fl. Oz.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short in weight; and in that they were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages since the quantity stated was not correct.

On February 8, 1937, the Del Ray Corporation having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the products be released under bond conditioned that they be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

27086. Adulteration and misbranding of mustard sauce. U. S. v. 21 Cartons; 20, 60, and 53 Cases of Mustard Sauce. Default decrees of condemnation and destruction. (F. & D. nos. 38935, 38991. Sample nos. 29328-C, 29338-C, 29339-C.)

These cases involved mustard sauce that contained added gum and excessive mustard hulls.

On January 14 and January 27, 1937, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 21 cartons and 133 cases of mustard sauce at Portland, Oreg., alleging that the article had been shipped in interstate commerce in various shipments on or about September 4, September 8, and October 9, 1936, by the Morehouse Mustard & Supply Co., from Oakland, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Mor-Tang Brand Mustard Sauce Morehouse Mustard & Supply Company Oakland, Calif."

It was alleged to be adulterated in that mustard hulls and gum had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in part for mustard sauce, which the article purported to be. The article was alleged to be adulterated further in that it had been mixed with mustard hulls and gum in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Mustard Sauce", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing gum and mustard hulls.

On March 10, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27087. Misbranding of canned tomatoes. U. S. v. 849 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38944. Sample no. 30235-C.)

These tomatoes were substandard because they did not consist of whole or large pieces and were not labeled to indicate that they were substandard.

On or about January 18, 1937, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 849 cases of canned tomatoes at El Reno, Okla., alleging that they had been shipped in interstate commerce on or about September 19, 1936, by Benicia Canning Co. from Benicia, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ruby Brand Tomatoes with Puree from Trimmings * * * G. W. Hume Co. Distributors, San Francisco, Calif."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because it did not consist of whole or large pieces, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 16, 1937, the G. W. Hume Co. having appeared as claimant and having admitted the allegations contained in the libel, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

27088. Misbranding of canned peas. U. S. v. 22 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 38958. Sample no. 13695-C.)

These canned peas fell below the standard established by this Department since they were not immature and were not labeled so as to indicate that they were substandard.

On January 16, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 22 cases of canned peas at New Orleans, La., alleging that they had been shipped in interstate commerce on or about November 28, 1936, by Phillips Sales Co., Inc., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Glyndon Brand * * * Early June Peas * * * Phillips Sales Co., Inc., Cambridge, Md. U. S. A. Distributors."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 25, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27089. Adulteration of sauerkraut. U. S. v. 49 Cartons of Canned Sauerkraut. Default decree of condemnation and destruction. (F. & D. no. 38970. Sample no. 20214-C.)

This product was in part decomposed.

On January 18, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cartons of canned sauerkraut at Boston, Mass., alleging that it had been shipped in interstate commerce on or about August 15, 1936, by Allen Bros. Canning Co., from Manchester, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cooper Special Brand Sauerkraut Packed for John Cooper, Holcomb, New York."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed or putrid vegetable substance.

On March 29, 1937, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27090. Misbranding of canned peas. U. S. v. 399 Cases of Canned Peas. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 38971. Sample no. 15350-C.)

This case involved canned peas that were substandard because they were not immature, and that were not labeled to indicate that they were substandard.

On January 16, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 399 cases of canned peas at Philadelphia, Pa., alleging that they had been shipped in interstate commerce on or about September 9, 1934, from Whitewater, Wis., by the Humbird Canning Co., of Humbird, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Rosa Brand Wisconsin Sweet Peas Packed for GF, Philadelphia, Pa. Quality Products"

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On February 18, 1937, Giacomo Foti, Inc., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

27091. Misbranding of canned peas. U. S. v. 496, 295, and 640 Cases of Canned Peas. Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 38977, 38990, 39167. Sample nos. 17579-C, 17806-C, 17926-C.)

This product fell below the standard established by this Department since the peas were not immature, and it was not labeled to indicate that it was substandard.

On January 19, January 22, and March 3, 1937, the United States attorneys for the District of New Jersey and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 793 cases of canned peas at New York, N. Y., and 640 cases of canned peas at Newark, N. J., alleging that they had been shipped in interstate commerce on or about December 4, 1936, January 6, and January 23, 1937, by the Frederick City Packing Co., in part from Thurmont, Md., and in part from Frederick, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Taylor Brand * * * Early June Peas Packed for The Frederick City Packing Company Frederick, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 18 and March 23, 1937, Thomas Roberts & Co., Philadelphia, Pa., having filed a claim on their own behalf for the goods seized at Newark, N. J., and having filed a claim as agent for the Frederick City Packing Co. for the goods seized at New York, N. Y., and having admitted the allegations in the libels and consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

27092. Adulteration of canned beets. U. S. v. 81 Cases of Canned Beets. Default decree of condemnation and destruction. (F. & D. no. 38997. Sample no. 19732-C.)

This case involved a shipment of canned beets that were intensely blackened and were decomposed.

On January 23, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 81 cases of canned beets at Minneapolis, Minn., alleging that they had been shipped in interstate commerce on or about October 19, 1936, by the Green Bay Canning Corporation from Green Bay, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed and putrid vegetable substance.

On March 22, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27093. Misbranding of canned tomatoes. U. S. v. 24 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 38998. Sample no. 32602-C.)

This case involved canned tomatoes that fell below the standard established by this Department because they did not consist of whole or large pieces and which were not labeled to indicate that they were substandard.

On January 25, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of canned tomatoes at LaGrande, Oreg., alleging that they had been shipped in interstate commerce on or about January 9, 1937, by the Interior Grocery Co., from Walla Walla, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Blue and White Brand Tomatoes With Puree from Trimmings Red and White Corp'n Distributors Chicago, Ill."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it did not consist of whole or large pieces and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On March 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27094. Misbranding of canned peas. U. S. v. 50, 49, 47, and 48 Cases of Canned Peas. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 39001 to 39004, incl. Sample nos. 12161-C, 12164-C, 12165-C, 12166-C.)

This product fell below the standard for canned peas established by this Department and was not labeled to indicate that it was substandard.

On January 28, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 194 cases of canned peas at Providence, R. I., alleging that they had been shipped in interstate commerce on or about December 13 and December 29, 1936, from Baltimore, Md., by A. W. Sisk & Son, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Eventide Brand * * * Early June Peas Distributed by R. O. Dulin Preston, Md."

It was alleged to be misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature and more than 25 percent were ruptured, and the package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On June 29, 1937, A. W. Sisk & Son, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled as directed by this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

27095. Adulteration of canned beets. U. S. v. 134 Cases of Canned Beets. Default decree of condemnation and destruction. (F. & D. no. 39007. Sample no. 19730-C.)

This case involved canned beets that were decomposed.

On January 28, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 134 cases of canned beets at Minneapolis, Minn., alleging that they had been shipped in interstate commerce on or about November 24 and November 30, 1936, by the Plymouth Packing Co., from Plymouth, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Xint Brand Sliced Beets * * * Packed for Minneapolis Allied Grocers Inc. Minneapolis, Minn."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 22, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27096. Adulteration and misbranding of canned shrimp. U. S. v. 15 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 39011. Sample no. 13884-C.)

This product was wholly or in part decomposed and fell below the standard of fill of container prescribed by the Secretary of Agriculture.

On January 27, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of canned shrimp at New Orleans, La., alleging that it had been delivered to a common carrier for export to Cuba by the Goodman & Beer Co., of New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Barataria Brand Packed for Export Only Shrimp * * * Packed for Goodman & Beer Co. Inc. New Orleans, La."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

The article was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated for such canned food, since it was slack-filled, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 1, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27097. Adulteration of canned beets. U. S. v. 23 Cases of Canned Beets (and three other seizure actions). Default decrees of condemnation and destruction. (F. & D. nos. 39012, 39208, 39209, 39585. Sample nos. 19833-C, 19834-C, 30170-C, 33621-C.)

This product was in whole or in part decomposed.

On February 4, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of canned beets at Chicago, Ill. On March 12 and May 12, 1937, libels were filed against 589 cases of the product at St. Paul, Minn., and 18 cases at Lincoln, Nebr. The libels alleged that the article had been shipped in interstate commerce on or about September 3, 14, 18, and October 13, 1936, and February 20, 1937, by the Mammoth Spring Canning Co., from Sussex, Wis., and that it was adulterated in violation of the Food and Drugs Act. Portions of the article were labeled in part: "Gold-Dish Cut Beets [or "Kewpie Sliced Beets", or "Gladioli Cut Beets"] Packed by Mammoth Spring Canning Co., Main Office Waukesha Co. Wisc." The remainder was labeled in part: "Nation-Wide Service Grocers Sliced Beets * * * Distributed by Nation-Wide Service Grocers."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 9, May 8, and June 19, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27098. Misbranding of canned peas. U. S. v. 242 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond subject to relabeling. (F. & D. no. 39013. Sample no. 22589-C.)

These peas were substandard and not properly labeled as such.

On January 29, 1937, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 242 cases of canned peas at Leaksville, N. C., alleging that the article had been shipped in interstate commerce on or about November 19, 1936, by Howard E. Jones & Co. from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Mason Dixon Brand Early June Peas Packed by Lineboro Canning Co. Inc. Lineboro, Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and its package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On March 10, 1937, Lineboro Canning Co., Inc., claimant, having appeared and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond subject to relabeling.

W. R. GREGG, *Acting Secretary of Agriculture.*

27099. Adulteration of apples. U. S. v. 150 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 39065. Sample no. 18767-C.)

This product was contaminated with lead and arsenic.

On January 25, 1937, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 baskets of apples at Des Moines, Iowa, consigned by J. C. Sewell Produce Co., Inc., on or about January 4, 1937, from Payette, Idaho, alleging that they had been shipped in interstate commerce and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Nampaho Brand Idaho Apples Winesap J. C. Sewell Produce Co., Inc. Payette, Idaho."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On March 22, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27100. Adulteration of apples. U. S. v. 646 Bushel Baskets of Apples. Decree of condemnation. Product released under bond subject to washing. (F. & D. no. 39066. Sample no. 19777-C.)

These apples were contaminated with lead-spray residue.

On January 16, 1937, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 646 baskets of apples at La Crosse, Wis., alleging that they had been shipped in interstate commerce on or about January 5, 1937, by A. F. Talcott from Caldwell, Idaho, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hillcrest Brand Idaho Apples."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On February 10, 1937, A. F. Talcott, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the deleterious substance be removed by washing.

W. R. GREGG, *Acting Secretary of Agriculture.*

27101. Misbranding of table sirup. U. S. v. 49 Cases of Sirup. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39077. Sample no. 31127-C.)

This product consisted in large part of corn sirup, was manufactured by the American Syrup & Sorghum Co., and was labeled to convey the impression that it was fancy blended sorghum sirup made on the farm.

On February 15, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of sirup at Denver, Colo., consigned by the American Syrup & Sorghum Co., alleging that it had been shipped in interstate commerce on or about October 14, 1936, from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Farmer Jones Pride Brand * * * Fancy Blended Sorghum Syrup 60% Corn Syrup, 30% Sorghum, 10% Refiners Syrup. Manufactured by American Syrup & Sorghum Co., * * * General Offices, St. Louis, Mo."

It was alleged to be misbranded in that the brand name, "Farmer Jones Pride", the design of a cane field, cane crusher, and vat for boiling down the sirup, the statements "Fancy Blended Sorghum Syrup", and "None genuine without this label and signature Yours truly Farmer Jones", borne on the label, were false and misleading and tended to deceive and mislead the purchaser since they represented that the article was manufactured by a farmer in the field where it was grown and that it was a fancy blended sorghum sirup; whereas it was manufactured by the American Syrup & Sorghum Co. at one of their plants, was not a fancy blended sorghum sirup but contained corn sirup; and the misbranding by reason of the statement "Fancy Blended Sorghum Syrup" was not corrected by the inconspicuous statement, "60% Corn Syrup, 30% Sorghum and 10% Refiners Syrup."

On March 6, 1937, the American Syrup & Sorghum Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

27102. Adulteration and misbranding of potatoes. U. S. v. 365 Bags of Potatoes. Consent decree of condemnation. Product ordered released under bond subject to relabeling. (F. & D. no. 39094. Sample no. 5055-C.)

This product fell below the grade declared on the label.

On February 16, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 365 bags of potatoes at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about January 28, 1937, by Piowaty Bros., Inc., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "U. S. Grade Number One Michigan Radio Potatoes, Piowaty Bros., Chicago, Ill."

The article was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted wholly or in part for Grade No. 1 potatoes, which it purported to be.

It was alleged to be misbranded in that the statement "Grade Number One", borne on the label, was false and misleading and tended to deceive and mislead the purchaser.

On February 18, 1937, Piowaty Bros., Inc., claimant, having admitted the allegation of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond subject to relabeling.

W. R. GREGG, *Acting Secretary of Agriculture.*

27103. Adulteration of whitefish and tullibees. U. S. v. 161 Boxes of Whitefish and 73 Boxes of Tullibees. Default decree of condemnation and destruction. (F. & D. no. 39099. Sample nos. 8582-C, 8584-C.)

These products were worm-infested.

On February 4, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 161 boxes of whitefish and 73 boxes of tullibees at New York, N. Y., alleging that they had been shipped into the State of New York on or about January 5, 1937, by Keystone Fisheries, Ltd., from Winnipeg, Manitoba, Canada, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On February 20, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27104. Adulteration of tullibees. U. S. v. 20 Boxes of Tullibees. Default decree of condemnation and destruction. (F. & D. no. 39100. Sample no. 8586-C.)

This product was worm-infested.

On February 10, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 boxes of tullibees at New York, N. Y., alleging that the article had been shipped into the State of New York on or about February 8, 1937, by A. N. W. Kyle from Montreal, Canada, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Product of Canada."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On February 23, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27105. Adulteration and misbranding of butter. U. S. v. 178 Tubs of Butter. Decree of condemnation. Product released under bond subject to reworking. (F. & D. no. 39102. Sample no. 12290-C.)

This case involved a shipment of butter that was deficient in milk fat.

On February 8, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 178 tubs of butter at Boston, Mass., consigned on or about February 1, 1937, alleging that it had been shipped in interstate commerce by the Isaly Dairy Co., from Marion, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as provided by the act of March 4, 1923.

It was alleged to be misbranded in that it was an imitation of and was offered for sale under the distinctive name of another article, butter.

On February 12, 1937, the Isaly Dairy Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond subject to reworking so that it contain at least 80 percent of milk fat.

W. R. GREGG, *Acting Secretary of Agriculture.*

27106. Misbranding of butter. U. S. v. 2 Cases of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. no. 39103. Sample no. 19439-C.)

This case involved butter that was falsely labeled as to weight.

On January 9, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cases of butter at Greeley, Colo., consigned by Miller's Cloverleaf Dairy, alleging that the article had been shipped in interstate commerce, on or about January 2, 1937, from McCook, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Surely Good Fancy Creamery Butter One Pound Net Four Cubes Packed Especially for Security Stores."

The article was alleged to be misbranded in that it was labeled "One Pound Net", which was false and misleading as the package contained less than said quantity; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated thereon was not correct.

On March 2, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution.

W. R. GREGG, *Acting Secretary of Agriculture.*

27107. Adulteration and misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Consent decree of condemnation. Product released under bond subject to relabeling. (F. & D. no. 39105. Sample no. 33521-C.)

This product fell below the grade indicated on the label.

On February 18, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about February 12, 1937, by V. W. Anthony from Weyauwega, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "U. S. No. 1 Potatoes V. W. Anthony, Weyauwega, Wisc."

It was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted wholly or in part for Grade No. 1 potatoes, which the article purported to be.

The article was alleged to be misbranded in that the statement "U. S. No. 1" borne on the tag was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes that were below U. S. Grade No. 1.

On March 8, 1937, Weyauwega Union, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond subject to relabeling.

W. R. GREGG, *Acting Secretary of Agriculture.*

27108. Adulteration of canned blackberries. U. S. v. 52 Cartons of Canned Blackberries. Default decree of condemnation and destruction. (F. & D. no. 39117. Sample no. 32643-C.)

These canned blackberries were in part moldy.

On February 22, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 cartons of canned blackberries at Boise, Idaho, alleging that they had been shipped in interstate commerce on or about November 2, 1936, by the G. P. Halferty Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tastefull Brand Water Pack Blackberries Packed by National Fruit Canning Co., Seattle."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance, namely, moldy blackberries.

On March 30, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27109. Misbranding of canned peas. U. S. v. 14 Cases and 18¼ Cases of Canned Peas. Default decrees of condemnation and destruction. (F. & D. nos. 39070, 39119. Sample nos. 28494-C, 29755-C.)

This product was labeled to convey the impression that it consisted of immature peas, whereas it had been prepared from soaked dry peas.

On February 11 and 24, 1937, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 32¼ cases of canned peas at Monongahela, Pa., alleging that the article had been shipped in interstate commerce on or about October 14, 1936, and February 5, 1937, by the Elyria Canning Co., from Elyria, Ohio, and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: "May-Pole Brand Prepared from dry Peas * * * Packed by Elyria Canning Co. Elyria, Lorain Co. Ohio."

The article was alleged to be misbranded in that the design of a dish of bright green peas on the label and the relative inconspicuousness of the statement "prepared from dry," as compared with that of the word "peas", were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was prepared from soaked dry peas.

On April 8, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27110. Adulteration of lima beans. U. S. v. 150 Bags of Lima Beans. Decree of condemnation. Product released under bond subject to segregation and destruction of deleterious portion. (F. & D. nos. 39121, 39122, 39123. Sample no. 21634-C.)

This case involved lima beans a part of which were contaminated with lead.

On February 24, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bags of lima beans at New Orleans, La., alleging that they had been shipped in interstate commerce on or about October 14, 1936, by Bryant & Cookingham, Inc., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On March 25, 1937, Benham, Inc., New Orleans, La., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond subject to reconditioning by segregating and destroying the deleterious portion.

W. R. GREGG, *Acting Secretary of Agriculture.*

27111. Adulteration of lima beans. U. S. v. 401 Bags of Lima Beans. Decree of condemnation. Product released under bond subject to segregation and destruction of deleterious portion. (F. & D. no. 39124. Sample no. 21635-C.)

This case involved lima beans a part of which were contaminated with lead.

On February 24, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 401 bags of lima beans at New Orleans, La., alleging that they had been shipped in interstate commerce on or about October 15, 1936, by Hamilton & Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On March 4 and March 25, 1937, Swayne & Hoyt, Ltd., New Orleans, La., having filed a claim as agent for L. H. Hayward & Co., New Orleans, La., the owner, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond subject to reconditioning by segregating and destroying the deleterious portion.

W. R. GREGG, *Acting Secretary of Agriculture.*

27112. Adulteration and misbranding of malted milk powder. U. S. v. 3 Barrels of Malted Milk Powder. Default decree of condemnation and destruction. (F. & D. no. 39141. Sample no. 26583-C.)

This case involved malted milk powder in which fat or oil other than butterfat had been substituted for butterfat.

On February 26, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels of malted milk powder at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 9, 1936, by Vac-Made Food Corporation from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: (Barrel) "Vac-Maid Malted Milk"; (tag) "From Vac-Made Food Corp., * * * Chicago, Ill."

The article was alleged to be adulterated in that a substance containing a fat or oil other than butterfat had been mixed and packed with it so as to reduce or lower its quality or strength, and in that a substance containing fat or oil other than butterfat had been substituted wholly or in part for malted milk, which the article purported to be.

It was alleged to be misbranded in that the statement "Malted Milk", borne on the barrel, was false and misleading and tended to deceive and mislead the purchaser, when applied to an article that contained a fat or oil other than butterfat.

On March 10, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27113. Adulteration and misbranding of potatoes. U. S. v. 370 Bags of Potatoes. Consent decree of condemnation. Product released under bond to be sorted and relabeled. (F. & D. no. 39160. Sample no. 17929-C.)

These potatoes were below the grade declared on the label.

On March 1, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 370 bags of potatoes at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 17, 1937, by M. A. Sanborn from Dover-Foxcroft, Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: (Tag) "Grade U. S. No. 2."

The article was alleged to be adulterated in that potatoes below U. S. Grade No. 2 had been substituted in part for potatoes conforming to U. S. Grade No. 2 standard, which it purported to be.

Misbranding was alleged in that the statement "Grade U. S. No. 2" was false and misleading and tended to deceive and mislead the purchaser into believing that the bags contained U. S. Grade No. 2 potatoes, whereas they did not.

On March 10, 1937, M. A. Sanborn, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the potatoes be released under bond conditioned that they be sorted, resacked, and properly marked or tagged.

W. R. GREGG, *Acting Secretary of Agriculture.*

27114. Adulteration of Emulsol-M (frozen egg product). U. S. v. 120 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 39161. Sample no. 8859-C.)

This case involved a frozen egg product that was in part decomposed.

On March 2, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 cans of frozen egg product at Brooklyn, N. Y., alleging that it had been shipped in interstate commerce on or about January 19, 1937, by the Emulsol Corporation from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Emulsol-M A superior emulsifying agent for baking The Emulsol Corporation * * * Chicago."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On March 22, 1937, the Emulsol Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree,

judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be separated therefrom and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27115. Adulteration and misbranding of olive oil. U. S. v. 7 Cans and 7 Cans of Alleged Pure Olive Oil. Default decree of condemnation and destruction. (F. & D. nos. 39168, 39169. Sample nos. 33523-C, 33524-C.)

This case involved olive oil with which cottonseed oil had been mixed and packed.

On March 5, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 gallon cans of alleged pure olive oil at Indiana Harbor, Ind., alleging that it had been shipped in interstate commerce on or about January 15, 1937, by Kakarakis Bros., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Electra Brand Extra Superfine Pure Olive Oil Kakarakis Bros., Chicago, Ill."

It was alleged to be adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce or lower its quality or strength, and had been substituted wholly or in part for olive oil, which it purported to be.

The article was alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to an article containing cottonseed oil; (Main panels) "Extra Superfine Pure Olive Oil [one main panel in addition bore the Greek equivalent];" (one side of panel) "Warranted absolutely pure olive oil under chemical analysis"; (other side panel in Greek, probably a translation of the English panel). Misbranding was alleged for the further reason that it was offered for sale under the distinctive name of another article, namely, olive oil.

On April 9, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27116. Misbranding of canned peas. U. S. v. 300 Cases and 960 Cases of Canned Peas. Consolidated decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 39191, 39193. Sample nos. 35240-C, 35241-C.)

These canned peas fell below the standard established by this Department since they were not immature, and were not labeled to indicate that they were substandard.

On March 8 and March 9, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,260 cases of canned peas at Philadelphia, Pa., alleging that they had been shipped in interstate commerce on or about December 22, 1936, and January 2, 1937, from Cambridge, Md., by Phillips Packing Co., Inc., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Phillips Delicious Early June Peas * * * Packed By Phillips Packing Co., Inc. Cambridge, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 29, 1937, the Phillips Packing Co., Inc., having appeared as claimant and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

27117. Adulteration and misbranding of potatoes. U. S. v. 450 Crates of Potatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 39207. Sample no. 43526-C.)

This product fell below the grade indicated on the label.

On March 11, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 450 crates of potatoes at Philadelphia, Pa., alleging that they had been shipped in interstate

commerce on or about March 7, 1937, by C. R. Bull from Miami, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Steel Brand U. S. 1."

It was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted for U. S. Grade No. 1 potatoes, which it purported to be.

The article was alleged to be misbranded in that the statement on the label, "U. S. 1", was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. Grade No. 1.

On March 15, 1937, E. Meltzer, Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered, and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

27118. Adulteration of apples. U. S. v. 73 Boxes of Apples. Consent decree entered. Product released under bond. (F. & D. no. 39215. Sample no. 40965-C.)

This product was contaminated with lead.

On March 3, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 73 boxes of apples at Los Angeles, Calif., alleging that they had been shipped in interstate commerce on or about January 28, 1937, by the Pacific Fruit & Produce Co., from Dryden, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tyee Brand Washington Apples * * * shipped by Wenatchee Apple Distributors, Wenatchee, Washington."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On March 5, 1937, Western Fruit Jobbers, Inc., Los Angeles, Calif., claimant, having consented to condemnation of the product, a decree was entered ordering the apples released under bond subject to reconditioning. On March 23, 1937, the claimant having complied with the terms of the decree, the court ordered that the release be made permanent and the bond exonerated.

W. R. GREGG, *Acting Secretary of Agriculture.*

27119. Adulteration of tomato catsup. U. S. v. 35 and 68 Cases of Tomato Catsup. Consent decrees of condemnation and destruction. (F. & D. nos. 39224, 39227. Sample nos. 40955-C, 40954-C.)

This product contained filth resulting from worm infestation.

On March 15 and 17, 1937, the United States attorney for the District of Hawaii, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 103 cases of tomato catsup at Honolulu, Hawaii, consigned by Kern Food Products, Inc., alleging that the article had been shipped in interstate commerce on or about February 17, 1937, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Kerns Pure Tomato Catsup * * * Los Angeles."

The article was alleged to be adulterated in that it was in whole or in part filthy, decomposed, or putrid.

On March 22, 1937, Central Market, Ltd., and A. M. Peters, Honolulu, Hawaii, and the Kern Preserving Co., Los Angeles, Calif., claimants, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27120. Misbranding of butter. U. S. v. 550 Cartons of Butter. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 39318. Samples nos. 20231-C to 20234-C, incl.)

This butter was labeled "Made in U. S.", but in fact was made in Russia.

On or about March 23, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 550 cartons of butter at Boston, Mass., consigned between the dates of February 17 and March 1, 1937, alleging that the article had been shipped in interstate commerce by Armour & Co., from New York, N. Y., and charging misbranding

in violation of the Food and Drugs Act. It was labeled in part: (Parchment paper) "Creamery Butter Made from Pasteurized cream Made in U. S. A."

The article was alleged to be misbranded in that it was falsely branded as to the country in which it was manufactured or produced.

On March 25, 1937, Armour & Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

27121. Adulteration of canned tomato paste. U. S. v. 20, 69, and 139 Cases of Tomato Paste. Default decrees of condemnation and destruction.
(F. & D. nos. 39022, 39029, 39085. Sample nos. 8012-C, 28486-C, 28680-C.)

This product contained excessive mold.

On January 30, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of canned tomato paste at Baltimore, Md. On February 2 and February 15, 1937, libels were filed against 69 cases of the product at Youngstown, Ohio, and 139 cases at Pittsburgh, Pa. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of October 12, 1936, and January 8, 1937, by the Marlboro Canning Corporation from Marlboro, N. Y., and that it was adulterated in violation of the Food and Drugs Act. It was labeled in part: "Lola Brand Tomato Paste * * * Packed in U. S. A. By The Marlboro Canning Corp. Marlboro, N. Y."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On March 3, March 17, and April 8, 1937, no claimants having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27122. Adulteration and misbranding of tomato paste. U. S. v. 140 Cases of Tomato Paste. Default decree of condemnation and destruction.
(F. & D. no. 39024. Sample no. 28482-C.)

This tomato paste contained excessive mold and was deficient in tomato solids.

On February 2, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 cases of canned tomato paste at Youngstown, Ohio, alleging that it had been shipped in interstate commerce on or about December 3, 1936, by the Canandaigua Juice Co., from Canandaigua, N. Y. and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sole Brand * * * Salsa Di Pomodoro * * * Packed by Canandaigua Juice Co. Canandaigua, N. Y. * * * Tomato Paste."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance, and in that a substance deficient in tomato solids had been substituted for tomato paste, which it purported to be.

The article was alleged to be misbranded in that the statements on the labels, "Salsa Di Pomodoro" and "Tomato Paste", were false and misleading and tended to deceive and mislead the purchaser when applied to a product that was deficient in tomato solids.

On March 17, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27123. Adulteration of dried codfish. U. S. v. 25 Boxes of Codfish and 5 Boxes of Codfish Rolls. Default decrees of condemnation and destruction.
(F. & D. nos. 38825, 39026. Sample nos. 29656-C, 29671-C.)

Samples of this product were found to be decomposed and wormy.

On December 15, 1936, and February 1, 1937, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30 boxes of dried codfish at Seattle, Wash., alleging that the article had

been shipped in interstate commerce on or about December 1, 1936, and January 19, 1937, by the Meredith Fish Co., from Sacramento, Calif., and charging adulteration in violation of the Food and Drugs Act. The product originally was shipped by the San Juan Fishing & Packing Co., but was returned by the Meredith Fish Co. A portion of the article was labeled: (Box) "Genuine Alaska Codfish Packed by San Juan Fishing & Packing Co. Seattle, Washington."; (shipping tag) "San Juan Fish Co. Seattle Wash From Meredith Fish Co. * * * Sacramento, Calif."; (retail package) "Genuine Alaska Codfish Packed by San Juan Fishing & Packing Co." The remainder was labeled: "Meredith Fish Co. Sacramento, Calif. Codfish Rolls."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 18, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27124. Misbranding of shelled pecans. U. S. v. 37 Cases and 12 Cases of Shelled Pecans. Decrees of condemnation. Portion of product destroyed; remainder released under bond for repacking and relabeling. (F. & D. nos. 39054, 39055. Sample nos. 12276-C, 22702-C.)

The packages containing this product had a false bottom and consequently did not contain the amount of food indicated by the size of the package. The statement of the quantity of the contents appeared on a label attached to the bottom of the package.

On February 5 and February 8, 1937, the United States attorneys for the District of Massachusetts and the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 12 cases of shelled pecans at Boston, Mass., and 37 cases of shelled pecans at Atlanta, Ga., alleging that they had been shipped in interstate commerce in part on or about October 5, 1936, by the Southern Pecan Shelling Co., from San Antonio, Tex., and in part on or about January 4, 1937, by the Merchants Refrigerating Co., from New York, N. Y., for the Southern Pecan Shelling Co., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Pasted on bottom of box) "Southern Belle Pecans Southern Pecan Shelling Co. San Antonio, Texas 7 Oz."

It was alleged to be misbranded in that the package was slack-filled and bore a device, namely, a false bottom consisting of crumpled paper, which was misleading since the package did not contain the quantity of food it purported to contain; and in that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the weight statement appeared on a label affixed to the bottom of the package.

On March 6, 1937, no claimant having appeared for the lot seized at Atlanta, Ga., judgment of condemnation was entered and it was ordered that the lot be destroyed. On March 26, 1937, the Southern Pecan Shelling Co. having appeared as claimant for the lot seized at Boston, Mass., and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be repacked and properly labeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

27125. Adulteration of apples. U. S. v. 30 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 39214. Sample no. 3943-C.)

These apples were contaminated with lead.

On February 27, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 boxes of apples at San Francisco, Calif., alleging that they had been shipped in interstate commerce on or about February 21, 1937, by L. A. Wilcox, from Medford, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On April 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

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Inc.	27021		age bases.	
Goodman & Beer Co., Inc.	27096		Whitefish. <i>See</i> Fish.	
Grundvig & Engelsviken Pack-				
ing Co.	27047			
Lowden Corporation	27018			
Mays, L. C. Co., Inc.	27048			
Westergaard, Berg-Johnson Co	27047			

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION of Agriculture

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27126-27150

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 15, 1937]

27126. Adulteration and misbranding of ephedrine hydrochloride capsules, potassium iodide tablets, sodium bromide tablets, and calomel tablets. U. S. v. American Pharmaceutical Co., Inc. Plea of guilty. Fine, \$400 of which \$200 was suspended. (F. & D. no. 30308. I. S. no. 48809. Sample nos. 21228-A, 21249-A, 21253-A.)

The above-named capsules and tablets contained the designated drugs in excess of the amount declared on the labels.

On April 5, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Pharmaceutical Co., Inc., New York, N. Y. On April 22, 1934, a second information was filed naming as additional defendants the officers of the corporation. The information alleged, among other allegations, that the defendants had shipped in interstate commerce on or about January 14, and October 4, 12, and 18, 1932, from the State of New York into the State of New Jersey a quantity of ephedrine hydrochloride capsules and quantities of potassium iodide tablets, sodium bromide tablets, and calomel tablets, all of which were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled variously: "Capsules Ephedrine Hydrochloride A. P. C. $\frac{3}{4}$ Grain [or "Tablets 5 Grain Pot. Iodide", "C. T. 10 grs. Sodium Bromide", or "C. T. Calomel A. P. C. $\frac{1}{4}$ Grn.]" American Pharmaceutical Co., Inc., New York, N. Y."

The articles were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: Each capsule of ephedrine hydrochloride was represented to contain $\frac{3}{4}$ grain of the drug, whereas each capsule contained more than $\frac{3}{4}$ grain, namely, not less than 0.852 grain of ephedrine hydrochloride; each potassium iodide tablet was represented to contain 5 grains of the drug, whereas each tablet contained more than 5 grains, namely, not less than 5.507 grains of potassium iodide; each tablet of sodium bromide was represented to contain 10 grains of the drug, whereas each tablet contained more than 10 grains, namely, not less than 11.357 grains of sodium bromide; each tablet of calomel was represented to contain $\frac{1}{4}$ grain of the drug, whereas each tablet contained more than $\frac{1}{4}$ grain, namely, not less than 0.2757 grain of calomel.

The articles were alleged to be misbranded in that the statements "Capsules Ephedrine Hydrochloride * * * $\frac{3}{4}$ Grain", "Tablets 5 Grain Pot. Iodide", "10 grs. C. T. Sodium Bromide", and "C. T. Calomel * * * $\frac{1}{4}$ Grn.", borne on their respective labels, were false and misleading in that they represented that said capsules and tablets contained the amount of the drug declared on the label; whereas the said capsules and tablets contained more than so declared.

The information contained 27 other counts charging interstate shipment by the defendants, of various drugs that were alleged to be adulterated and/or misbranded in violation of the Food and Drugs Act.

On March 2, 1936, the American Pharmaceutical Co. entered a plea of guilty to the eight counts charging adulteration and misbranding of the above ephedrine hydrochloride capsules, potassium iodide tablets, sodium bromide tablets, and calomel tablets; and the court imposed a fine of \$50 on each of the eight counts and suspended payment of the fines on the four counts charg-

ing misbranding of the products, the total fine paid being \$200. The information was dismissed as to the corporation officers on the counts on which the corporation entered its plea of guilty. The information is pending as to all defendants, both corporate and individual, as to all other counts.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27127. Misbranding of Kelement. U. S. v. Lee Kelpodine Co., Inc., and John Lee Clarke. Pleas of guilty. Fine, \$50. Payment of sentence suspended. (F. & D. no. 34065. Sample no. 16517-B.)

The labeling of this product contained false and fraudulent curative and therapeutic claims.

On October 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lee Kelpodine Co., Inc., New York, N. Y., and John Lee Clarke, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 28, 1934, from the State of New York into the State of New Jersey of quantities of Kelement tablets that were misbranded. The article was labeled in part: (Package) "Kelement Pure Dehydrated Kelp (*Macrocystis Pyrifera*) Formerly known as 'Kelpodine' A Highly Concentrated Natural Marine Food Accessory, Rich In Organic Mineral Elements Essential to Normal Function Of The Human Body Each Tablet Contains Not Less than 0.5 Milligrams of Natural Organic Food Iodine. Guaranteed and Distributed by Lee Kelpodine Co., Inc., 11 W. 42nd Street, New York City."

Analysis showed that the tablets consisted of kelp, probably *Macrocystis pyrifera*.

The article was alleged to be misbranded in that certain statements, designs, and devices appearing on the package and in the circular contained therein, were statements, designs, and devices regarding the curative or therapeutic effects of the article, and were false and fraudulent in that they represented that the article was composed of or contained ingredients or medicinal agents which when used as a food accessory in the manner directed, would prevent the user thereof from contracting and would be beneficial in the treatment, among others, of the following symptoms, ailments, conditions and diseases of the human body: Ailments that come from a deficiency of mineral salts, soft and decayed teeth, pyorrhea, bleeding gums, anemia, goiter, chronic constipation, nervousness, insomnia, inability to resist disease, malnutrition, acidosis (diminished alkaline reserve), headaches and indigestion, diabetes, alveolar recession, loose flabby gums, loose teeth, arthritis, infections, serious glandular conditions, frigidity, sterility, and frequent miscarriage.

On November 2, 1936, pleas of guilty were entered and the court imposed a fine of \$50 against each defendant and suspended payment thereof.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27128. Misbranding of Seavigor. U. S. v. John Lee Clarke (Seavigor Co.). Plea of guilty. Fine, \$100. Payment of sentence suspended. (F. & D. no. 35948. Sample nos. 16503-B, 16506-B.)

The labeling of this product contained false and misleading representations regarding its food value and false and fraudulent curative and therapeutic claims.

On October 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Lee Clarke, trading as the Seavigor Co. New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 7 and August 8, 1934, from the State of New York into the State of New Jersey of quantities of Seavigor tablets that were misbranded. The article was labeled in part: (Package) "Seavigor Pure Gland Energy From the Sea. A Concentrated Vegetable Food. Not a Patent Medicine. Rich in the Identical Gland Vitalizing Element Found in Raw Oysters. * * * Seavigor Company, New York."

Analysis of a sample of the article by this Department showed that it consisted of kelp, probably *Macrocystis pyrifera*.

It was alleged to be misbranded in that the statement "A Concentrated Vegetable Food", borne on the package label, was false and misleading since

it represented that the article was a concentrated vegetable food; whereas when used as directed, it was not a concentrated vegetable food nor would it supply any appreciable quantity of food. It was alleged to be misbranded further in that certain statements, designs, or devices borne on the label and contained in a circular shipped with the article, were statements, designs, and devices regarding its curative or therapeutic effects, and were false and fraudulent in that they represented that it was in whole or in part composed of or contained ingredients or medicinal agents that when used as a food accessory in the manner directed, would prevent the user thereof from contracting and would be beneficial in the treatment of, among others, the following symptoms, ailments, conditions, and diseases of the human body: Low vitality, premature senility, frigidity, general weakness, run-down condition, loss of strength, mental backwardness, nervousness, neurasthenia, anemia, underweight, digestive disturbances, chronic constipation, high blood pressure, rheumatism, stomach troubles, skin diseases, women's complaints, sluggish liver, goiter, neuritis, early loss of hair, obesity, susceptibility to colds, and many other conditions.

On November 2, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$100 but suspended payment thereof.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27129. Misbranding of Kelpodine. U. S. v. Lee Kelpodine Co., Inc., John Lee Clarke, and William J. A. Bailey. Pleas of guilty. Fines, \$300. Payment of sentence suspended. (F. & D. no. 35967. Sample nos. 51619-A, 51871-A.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On October 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lee Kelpodine Co., Inc., John Lee Clarke, and William J. A. Bailey, of New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about November 6 and December 21, 1933, from the State of New York into the State of New Jersey of quantities of Kelpodine tablets that were misbranded. The article was labeled in part: (Bottle) "Kelpodine Pure Dehydrated Kelp (*Macrocystis Pyrifera*) A Natural Concentrated Marine Vegetable Food Accessory containing in substantial amounts Organic Mineral Elements essential to normal function of the human body. Rich in colloidal vegetable food iodine."

Analyses showed that the tablets consisted of kelp, probably *Macrocystis pyrifera*.

The article was alleged to be misbranded in that certain statements, designs, or devices appearing on the labels and in accompanying circulars were statements, designs, and devices regarding its curative or therapeutic effects that were false and fraudulent in that they represented that the article was composed of or contained ingredients or medicinal agents which when used as a food accessory in the manner directed, would prevent the user thereof from contracting and would be beneficial in the treatment of, among others, the following symptoms, ailments, conditions, and diseases of the human body: Anemia, goiter, rickets, obesity, asthma, chronic constipation, arthritis, certain skin diseases, neurasthenia, gout, high blood pressure, pyorrhea, menopause disorders, menstrual disturbances, diabetes, adynamia, acidosis, dyspepsia, neuritis, lumbago, mental and physical backwardness in children, early baldness, premature senility, lack of virility, sinusitis, heart conditions of many kinds, tuberculosis, neurosis, rheumatism, sciatica, anorexia, digestive disturbances, underweight, frigidity, sterility, low vitality, fatigue, neuralgia, mental torpor, bleeding gums, asthenia, sluggish liver, myasthenia, infectious tonsillitis, nerve instability, gastric ulcers, toxic conditions, dental caries, alopecia, psoriasis, eczema, tic douloureux, enuresis, dyspnea, susceptibility to colds, and other infectious diseases.

On November 2, 1936, pleas of guilty having been entered, the court imposed a fine of \$100 against each defendant and suspended payment thereof.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27130. Misbranding of thyroid tablets. U. S. v. Armour & Co., a corporation. Pica of nolo contendere. Fine, \$25 and costs. (F. & D. no. 36089. Sample nos. 28392-B, 28393-B.)

These tablets contained thyroid powder U. S. P. in excess of the quantity stated on the label. The $\frac{1}{4}$ -grain tablets contained not less than $\frac{2}{5}$ grain of thyroid powder U. S. P., and the $\frac{1}{10}$ -grain tablets contained not less than $\frac{1}{5}$ grain and $\frac{1}{3}$ grain of thyroid powder U. S. P.

On April 22, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., Chicago, Ill., charging shipment by said corporation in violation of the Food and Drugs Act on or about February 23 and March 11, 1935, from the State of Illinois into the State of Texas of quantities of thyroid tablets that were misbranded.

The article in the first of the two consignments was alleged to be misbranded in that the statement "Thyroid Tablets $\frac{1}{4}$ Grain", borne on the cartons enclosing the bottles, and the statement "Thyroid Tablets * * * Each Tablet Contains $\frac{1}{4}$ Grain Thyroid Powder U. S. P." borne on the bottle labels, were false and misleading in that they represented that each of the tablets contained $\frac{1}{4}$ grain of thyroid, and that each of the tablets contained $\frac{1}{4}$ grain of thyroid powder U. S. P. having 0.2 percent iodine in thyroid combination; whereas in fact each of the tablets contained more than $\frac{1}{4}$ grain, namely, not less than $\frac{2}{5}$ grain of thyroid, and each of the tablets contained more than $\frac{1}{4}$ grain of thyroid powder U. S. P. having 0.2 percent iodine in thyroid combination.

The article in the second of the two consignments was alleged to be misbranded in that the statement "Thyroid Tablets $\frac{1}{10}$ Grain", borne on the cartons and the statement, "Thyroid Tablets * * * Each Tablet Contains $\frac{1}{10}$ Grain Thyroid Powder U. S. P.", borne on the bottle labels, were false and misleading in that they represented that each of the tablets contained $\frac{1}{10}$ grain of thyroid, and that each of the tablets contained $\frac{1}{10}$ grain of thyroid powder U. S. P.; whereas in fact each of the tablets contained more than $\frac{1}{10}$ grain of thyroid, and each of the tablets contained more than $\frac{1}{10}$ grain of thyroid powder U. S. P.

On June 26, 1936, a motion to quash the information was filed on behalf of the defendant corporation. On December 23, 1936, the court denied the motion to quash in an opinion as follows:

SULLIVAN, *District Judge*: This case involves the interstate shipment by Armour & Company of thyroid tablets which the Government alleges are adulterated and misbranded, the theory being that the tablets contain a greater amount of thyroid powder than is indicated on the label, thus constituting adulteration and misbranding within the meaning of Sec. 7 and Sec. 8 of the Act of June 30, 1906, known as the Food and Drugs Act. (USCA Title 21, Sections 8 and 9.)

The information as amended contains four counts, counts I and III charging adulteration, and counts II and IV charging misbranding.

On the adulteration charge the information alleges that the bottles containing the tablets bear the following label: "100 Thyroid Tablets, $\frac{1}{4}$ grain. Each Tablet contains $\frac{1}{4}$ grain thyroid powder U. S. P. having 0.2 per cent iodine in thyroid combination."

Count I of the information then goes on to allege that the said article of drugs was adulterated: "In that its strength and purity fell below the professed standard and quality under which it was sold, in that each of said tablets was represented to contain $\frac{1}{4}$ grain of thyroid powder U. S. P., having 0.2 percent iodine in thyroid combination; whereas in truth and in fact each of said tablets contained more than $\frac{1}{4}$ grain thyroid powder U. S. P., having 0.2 percent iodine in thyroid combination."

Count III is the same as count I, except that it refers to tablets represented as containing $\frac{1}{10}$ grain of thyroid powder U. S. P., having 0.2 percent iodine in thyroid combination; whereas in fact each of said tablets contains more than $\frac{1}{10}$ grain.

As to the misbranding charge, the information alleges, (count II) "That said article of drugs, when shipped and delivered for shipment as aforesaid, was then and there misbranded within the meaning of said Act of Congress, in that the statements, to wit, "Thyroid tablets $\frac{1}{4}$ grain" borne on the cartons as aforesaid, and "Thyroid tablets $\frac{1}{4}$ grain, each tablet contains $\frac{1}{4}$ grain thyroid powder U. S. P. having 0.2 percent iodine in Thyroid combination," borne on the label attached to the bottles containing the article, as aforesaid, regarding the article, and the substance contained therein, were false and misleading in

this, that they represented that each of said tablets contained $\frac{1}{4}$ grain of thyroid, and that each of said tablets contained $\frac{1}{4}$ grain of thyroid powder U. S. P., having 0.2 percent iodine in thyroid combination; whereas in truth and in fact, each of said tablets contained more than $\frac{1}{4}$ grain of thyroid, and each of said tablets contained more than $\frac{1}{4}$ grain of thyroid powder U. S. P., having 0.2 percent iodine in thyroid combination."

Count IV is identical, except that the tablets therein referred to were represented to contain $\frac{1}{10}$ grain thyroid powder. The case is now before me on defendant's motion to quash the Amended Information. Section 7, Par. 2 of the Food and Drugs Act (Sec. 8, Title 21 USCA) provides: "That for the purposes of this Act an article shall be deemed to be adulterated: In case of drugs: * * * Second. If its strength or purity falls below the professed standard or quality under which it is sold."

Defendant sets out that the Eleventh Decennial Revision of the Pharmacopoeia of the United States, published by authority of the United States Pharmacopoeia Convention held in 1930, and which has not been superseded by any subsequent edition, does not define Thyroid powder, but does define Thyroideum (thyroid).

The Government contends that the Pharmacopoeia involved is the Tenth Revision rather than the Eleventh, but admits that the standard for thyroid set up in both is identical.

Defendant urges that there is no claim in the information that the thyroid contained in the thyroid powder fails to comply with the standard set forth in the United States Pharmacopoeia, but only that its strength and purity fell below the professed standard and quality under which it was sold. That thyroid powder is the subject of the sale and shipment, and if the thyroid contains "0.2 per cent iodine in thyroid combination" as stated on the label, because that is the only claim made as to strength, purity, or quality, then there is no adulteration. That the fact that it contains an excess of the amount claimed on the label is not a false or misleading statement within the meaning of the Food and Drugs Act, unless it is shown that the buyer is injured thereby.

On this question the Government takes the position that an excessive amount of thyroid, which the Information charges these tablets contain—as well as a deficiency thereof—should be construed as falling below the professed standard, as set out on the label, thereby constituting adulteration under the Statute.

In the case of *George A. Breon & Co., vs. United States*, 74 Fed. (2) 4, cited by defendant in its reply brief, one of the questions involved was whether or not the Adulteration Section of the Statute covered drugs containing an excess of any ingredient (in that case desiccated thyroid) as well as those where strength or purity fall below the professed standard or quality under which it was sold. Commenting on this phase of the case the court said: "In the view we have taken of the other issues involved however, we do not deem it necessary to pass upon this question." In the case of *United States vs. Resnick, et al.*, and *United States vs. Acme Can Company*, decided by the Supreme Court of the United States on December 7, 1936, defendants were indicted for violation of the Standard Container Act, on the ground that they sold two quart metal hampers which did not comply with the Act, in that they were not of any standard size authorized by the Act, which defined various sized hampers, but did not include two quart metal hampers. Defendants demurred on the ground that the facts alleged were not sufficient to constitute a violation of the Act. The trial court sustained the demurrers and discharged defendants, and the United States appealed. The Supreme Court in passing on the case said: "It follows that unless the clause of section 5 which forbids manufacture or sale of containers 'that do not comply with this Act' makes criminal the manufacture or sale of two-quart hampers, the facts alleged do not constitute any defense. Statutes creating crimes are to be strictly construed in favor of the accused; they may not be held to extend to cases not covered by the words used. *United States v. Wiltberger*, 5 Wheat. 76. *Fasulo v. United States*, 272 U. S. 620. The clause (5) just quoted is crucial; its words are plain and having regard to the connection in which they are used, must be given the meaning naturally attributable to them. It is obvious that they do not extend to hampers other than the nine classes defined in Section 1. The Act applies to none of capacity less than four quarts. * * * It expresses no con-

demnation of two-quart hampers. Before one may be punished, it must appear that his case is plainly within the statute; there are no constructive offenses." The judgment sustaining the demurrers was sustained.

Under the ruling in the above case I am of the opinion that the facts alleged in Counts I and III do not constitute adulteration, therefore the Motion to Quash as to Counts I and III will be allowed.

I now come to Counts II and IV which charge misbranding.

Section 8 of the Food and Drugs Act (Sec. 9 Title 21 USCA) provides: "That the term 'misbranded' as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular. * * *

In *United States vs. Lexington Mill & Elevator Company*, 232 U. S., 399, the court said: "The statute upon its face shows that the primary purpose of Congress was to prevent injury to the public by the sale and transportation in interstate commerce of misbranded and adulterated foods. The legislation against misbranding intended to make it possible that the consumer should know that an article purchased was what it purported to be; that it might be bought for what it really was, and not upon misrepresentations as to character and quality."

The Food and Drugs Act was passed for the purpose of protecting the general public, to preserve their health and to prevent their being deceived by label or brand as to the real character of the article offered for sale. *United States vs. 95 Barrels of Vinegar*, 265 U. S. 438.

Again in the case of *United States vs. 95 Barrels of Vinegar*, *supra*, the court said: "The statute is plain and direct. Its comprehensive terms condemn every statement, design, and device which may mislead or deceive. Deception may result from the use of statements not technically false or which may be literally true. The aim of the statute is to prevent that resulting from indirection and ambiguity, as well as from statements which are false. It is not difficult to choose statements, designs, and devices which will not deceive. Those which are ambiguous and liable to mislead should be read favorably to the accomplishment of the purpose of the Act. * * * If an article is not the identical thing that the brand indicates it to be, it is misbranded."

It is agreed that the tablets here in question contain thyroid, a more or less powerful drug used in the treatment of certain diseases. These tablets are susceptible of analysis to determine just what ingredients and how much of each they do contain, in order that they may be accurately labeled.

I am of the opinion that a drug being here involved, the Act requires a correct statement thereof on the label.

The Motion to Quash as to Counts II and IV is denied, and defendant is given ten days in which to plead.

On February 25, 1937, a plea of nolo contendere was entered on behalf of the defendant corporation and the court imposed a fine of \$25 and costs.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27131. Adulteration and misbranding of tincture nux vomica U. S. P. U. S. v. Endo Products, Inc. Plea of guilty. Fine, \$100. (F. & D. no. 37925. Sample no. 50523-B.)

This product differed from the standard prescribed for nux vomica in the United States Pharmacopoeia and contained a smaller proportion of the alkaloids of nux vomica than that represented on the label.

On March 1, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Endo Products Co., Inc., New York, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about December 5, 1935, from the State of New York into the State of New Jersey of a quantity of an article, labeled "Tincture Nux Vomica U. S. P.", which was adulterated and misbranded.

It was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia in that it yielded less than 0.237 gram, to wit, not more than

0.196 gram, of the alkaloids of nux vomica per 100 cubic centimeters; whereas said pharmacopoeia provided that tincture of nux vomica should yield not less than 0.237 gram of the alkaloids of nux vomica per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container thereof. The article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be tincture of nux vomica that conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact it was not tincture of nux vomica that conformed to the standard laid down in said pharmacopoeia.

The article was alleged to be misbranded in that the statement, "Tincture Nux Vomica U. S. P. * * * Standard-100 mils. contains 0.237-0.263 gm. Alkaloids", borne on the bottle labels, was false and misleading in that it represented that 100 cubic centimeters of the article contained 0.237 gram of the alkaloids of nux vomica, and that the article was tincture of nux vomica that conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact 100 cubic centimeters of the article contained the alkaloids of nux vomica in a quantity less than 0.237 gram, and the article was not tincture of nux vomica which conformed to the standard laid down in said pharmacopoeia.

On March 15, 1937, a plea of guilty was entered by the defendant corporation and the court imposed a fine of \$100.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27132. Adulteration and misbranding of Compressed Tablets Ac-Ne-O. U. S. v. Latimer H. Studebaker. Plea of nolo contendere. Fine, \$5 and costs. (F. & D. no. 37955. Sample nos. 23859-B, 52077-B.)

This product contained a smaller quantity of arsenous acid than that stated on the label.

On October 20, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Latimer H. Studebaker, Erie, Pa., charging shipment by said defendant in violation of the Food and Drugs Act, on or about June 24 and December 24, 1935, from the State of Pennsylvania into the State of New York of quantities of Compressed Tablets Ac-Ne-O that were adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the tablets was represented to contain 1/50 of a grain of arsenous acid; whereas in fact each of the tablets contained not more than 1/100 of a grain of arsenous acid.

It was alleged to be misbranded in that the statement "Tablets * * * Ac. Arsenous 1-50 gr.", borne on the label, was false and misleading in that it represented that each of the tablets contained 1/50 of a grain of arsenous acid; whereas in fact each of the tablets contained less than 1/50 of a grain of arsenous acid.

On March 15, 1937, the defendant entered a plea of nolo contendere and the court imposed a fine of \$5 and costs.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27133. Adulteration and misbranding of Per-Gum Pyorrhea Prescription. U. S. v. Charles B. McFerrin (Dr. Charles B. McFerrin). Plea of nolo contendere. Fine, \$25. (F. & D. no. 37995. Sample no. 49270-B.)

The label of this article bore fraudulent representations regarding its curative and therapeutic effects, and misrepresentations regarding its germicidal and antiseptic properties.

On December 17, 1936, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles B. McFerrin, trading as Dr. Charles B. McFerrin, Orlando, Fla., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 15, 1935, from the State of Florida into the State of Oklahoma of a quantity of Per-Gum Pyorrhea Prescription that was adulterated and misbranded.

Analysis of the article showed that it was a pinkish, slightly fluorescent petroleum oil containing small quantities of salicylic acid and methyl salicylate.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be a germicide and an antiseptic when used as directed; whereas in fact it was not a germicide nor was it an antiseptic when used as directed.

The article was alleged to be misbranded in that statements borne on the bottle label falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for spongy, tender, and bleeding gums; effective to preserve the teeth, to restore the gums to perfect condition, to kill germs, to tighten loose teeth, and to stop infection. It was alleged to be misbranded further in that the statements, borne on the bottle labels, "kills germs" and "An Effective Germicide and Antiseptic", were false and misleading in that they represented that the article would kill germs, and that it was a germicide and an antiseptic when used as directed; whereas in fact it would not kill germs, and it was not a germicide nor an antiseptic when used as directed.

On March 15, 1937, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$25.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27134. Misbranding of Tablet as Marca Vida Para Los Ninos. U. S. v. Mexican Medicine Co., Inc., and William G. Logan. Pleas of *nolo contendere*. Judgment of guilty. Fines, \$100. (F. & D. no. 38019. Sample no. 34628-B.)

The labeling of this article bore false and fraudulent representations regarding its curative and therapeutic effects.

On February 4, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mexican Medicine Co., a corporation, and William G. Logan, Los Angeles, Calif., charging that said defendants, on or about October 29, 1935, sold and delivered to the Brunswick Drug Co., Los Angeles, Calif., a quantity of Tablet as Marca Vida Para Los Ninos under and with a written guaranty to the effect that the article complied with the Food and Drugs Act as amended; that it was misbranded under the Food and Drugs Act as amended; and that said Brunswick Drug Co., on or about November 20, 1935, shipped a quantity of the article so misbranded from the State of California into the State of Arizona.

Analysis of the article showed that it consisted essentially of compounds of bismuth, calcium, sodium, potassium, carbonates, nitrates, extracts of plant drugs including emodin, and starch.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the label of the containers and on the cartons enclosing the same, and contained in a circular enclosed in the cartons, falsely and fraudulently represented that it would be effective as a soothing medicine; effective as a cure for colic, diarrhea, dysentery, green evacuations, cholera infantum, indigestion, diseases of dentition, acid stomach, fever, intermittent fevers, restlessness, vomiting, green stools, summer complaint, teething sickness, chronic constipation in infants or young children; effective as a treatment, remedy, and cure for stomach and bowel trouble and for fever in children; effective to remove poisonous matter from the stomach and bowels, to relieve irritation, assist digestion, promote rest and sleep, stimulate the liver, relieve pain and fever, cleanse the stomach, to calm restless, nervous, and excitable children, and give them quiet and restful sleep; effective to prevent ill results from exposure to cold and damp, to prevent contagion in children who have been exposed to such contagious diseases as scarlet fever, measles, whooping cough, and diphtheria; and effective to increase weight in children.

On March 22, 1937, the defendants having entered pleas of *nolo contendere*, and the case having been heard before the court, judgment of guilty was entered as to both defendants and the court imposed a fine of \$50 on each.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27135. Misbranding of Ferretone Eye Lotion and Bacon's Ferretone Tonic. U. S. v. Max E. Bacon (The Ferretone Co.). Plea of guilty. Fine, \$1 and costs. (F. & D. no. 38036. Sample nos. 68065-B, 68066-B.)

The labeling of both products contained false and fraudulent curative and therapeutic claims.

On November 13, 1936, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Max E. Bacon, trading as the Ferretone Co., Wichita, Kans., charging shipment by said defendant in violation of the Food and Drugs Act as amended, from the State of Kansas into the State of Utah on or about March 23, 1936, of a quantity of Ferretone Eye Lotion which was misbranded; and on or about December 12, 1935, of a quantity of Bacon's Ferretone Tonic which was misbranded.

Analysis of the Ferretone Eye Lotion showed that it contained boric acid, menthol, and a yellow color. Analysis of Bacon's Ferretone Tonic showed that it consisted chiefly of powdered iron, calcium carbonate, phosphates, plant extractives, strychnine, and a phenolic compound.

The Ferretone Eye Lotion was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the packages and contained in a booklet enclosed therein, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for all ordinary affections of the eyes, inflamed eyes, gummy secretion from the eyes, irritation, excessive secretion of tears, reddened eyes, weakness of the eyes, fatigued vision, eyes with pus, ulcerated eyelids, and eye trouble; and effective as a preventive of serious and lamentable diseases and loss of sight.

Bacon's Ferretone Tonic was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the package labels and contained in circulars and in a booklet enclosed in the package, falsely and fraudulently represented that it would be effective to strengthen, invigorate, and beautify, to give health and vigor to, to increase the vitality of and to stimulate the different organs of the body; effective as a powerful reconstituent, a purifier of the blood, a builder of the system, a valuable life-giving tonic, a strengthener of the system, and a producer of good blood, and to give new energy and strength; effective as a treatment, remedy, and cure for diseases of the stomach, indigestion, lack of appetite, inflammations, pains in the head, diseases of the heart, palpitations, irregular pulse, poor respiration, nervous disorders, rheumatism, aching muscles, torpid, aching or inflamed joints, sluggish liver, biliousness, bad breath, discoloration of the skin, nervous irritation, depression, exhaustion, impure blood, pimples, ulcers, blackheads, eruptions of the skin, disorders of the intestines, headache, lack of energy, bodily discomfort, anemia, poor nutrition, lack of strength, female disorders (debility), menstrual disorders, uterine diseases, nervousness, sleeplessness, general debility, and nervous prostration; effective to give life, to fortify the blood, to cause recuperation from hard work and preoccupations connected with business affairs or excesses of life; effective to produce rich blood, to make one feel well and perfectly happy, and to help one attain unending happiness; effective to cure the very sick; and effective when used in connection with Ferretone Indian Pastilles of Bacon and Laxative and Anti-Pain Pastilles, as a treatment for complications of the kidneys.

On March 10, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$1 and costs.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27136. Adulteration and misbranding of Tablets Tinct. Aconite. U. S. v. Samuel Evans Massengill (The S. E. Massengill Co.). *Plea of nolo contendere. Fine, \$250.* (F. & D. no. 38044. Sample no. 56057-B.)

This article contained a smaller quantity of tincture of aconite, U. S. P., than that represented on the label.

On November 16, 1936, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel Evans Massengill, trading as the S. E. Massengill Co., Bristol, Tenn., charging shipment by said defendant in violation of the Food and Drugs Act on or about December 12, 1935, from the State of Tennessee into the State of Ohio, of a quantity of an article, labeled "Tablets Tinct. Aconite", that was adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each of the tablets was represented to have the medicinal properties of 5 minims of tincture of aconite, U. S. P.; whereas in fact each of the tablets had less than 5 minims, to wit, not more than $\frac{3}{4}$ of 1 minim, of the medicinal properties of tincture of aconite, U. S. P.

It was alleged to be misbranded in that the statement, "Each tablet represents the medicinal properties of 5 mins. Tinct. Aconite, U. S. P.", borne on the bottle labels, was false and misleading in that each of the tablets was represented to have the medicinal properties of 5 minims of tincture of aconite, U. S. P.; whereas in fact each of the tablets had less than 5 minims of the medicinal properties of tincture of aconite, U. S. P.

On March 1, 1937, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$250.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27137. Adulteration and misbranding of No. 8 Dispensary Tablets Extract Belladonna Leaves, Powdered Extract Belladonna Leaves U. S. P. X, and No. 39 Ophthalmic Ointment Atropine Sulphate. U. S. v. Sharp & Dohme, Inc. Plea of *nolo contendere*. Sentence suspended. (F. & D. no. 38047. Sample nos. 45419-B, 67509-B, 67569-B.)

The No. 8 Dispensary Tablets Extract Belladonna Leaves contained less than the quantity of extract of belladonna leaves represented on the label. The Powdered Extract Belladonna Leaves U. S. P. X differed from the standard prescribed for such article in the United States Pharmacopoeia and yielded less than the proportion of the total alkaloids of belladonna leaves represented on the label. The No. 39 Ophthalmic Ointment Atropine Sulphate contained less than the proportion of atropine sulphate represented on the label.

On December 28, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sharp & Dohme, Inc., charging shipment by said corporation in violation of the Food and Drugs Act, on or about October 18, 1935, from the State of Pennsylvania into the State of Georgia of a quantity of No. 8 Dispensary Tablets Extract Belladonna Leaves; on or about February 20, 1936, from the State of Pennsylvania into the State of New Jersey of a quantity of Powdered Extract Belladonna Leaves U. S. P. X; and on or about January 11, 1936, from the State of Pennsylvania into the State of New Jersey of a quantity of No. 39 Ophthalmic Ointment Atropine Sulphate all of which products were adulterated and misbranded.

The article No. 8 Dispensary Tablets Extract Belladonna Leaves was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the tablets was represented to contain 1 grain of extract of belladonna leaves; whereas in fact each of the tablets contained not more than 0.78 grain of extract of belladonna leaves. Said article was alleged to be misbranded in that the statement, "Tablets Extract Belladonna Leaves 1-Grain", borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained 1 grain of extract of belladonna leaves; whereas in fact each of the tablets contained less than 1 grain of extract of belladonna leaves.

The article Powdered Extract Belladonna Leaves U. S. P. X was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia in that 1 gram of the article yielded less than 1.18 percent of the total alkaloids of belladonna leaves, to wit, not more than 1 percent of the total alkaloids of belladonna leaves; whereas said pharmacopoeia provided that powdered extract of belladonna leaves should yield not less than 1.18 percent of the total alkaloids of belladonna leaves, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be powdered extract of belladonna leaves that conformed to the standard laid down in the United States Pharmacopoeia, 10th Revision, and that 1 gram of the article yielded 1.18 to 1.32 percent of the total alkaloids of belladonna leaves; whereas in fact the article was not powdered extract of belladonna leaves which conformed to the standard laid down in said pharmacopoeia, and 1 gram of the article yielded less than 1.18 percent of the total alkaloids of belladonna leaves. Said article was alleged to be misbranded in that the statements, "Powdered Extract Belladonna Leaves U. S. P. X", and "One gram of this powdered extract * * * yields 1.18% to 1.32% total alkaloids", borne on the bottle labels, were false and misleading in that they represented that it was powdered extract of belladonna leaves that conformed to the standard laid down in the United States Pharmacopoeia, 10th Revision,

and that 1 gram of the article yielded 1.18 to 1.32 percent of the total alkaloids of belladonna leaves; whereas in fact the article was not powdered extract of belladonna leaves that conformed to the standard laid down in said pharmacopoeia, and 1 gram of the article yielded less than 1.18 percent of the total alkaloids of belladonna leaves.

The article No. 39 Ophthalmic Ointment Atropine Sulphate was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to contain 1 percent of atropine sulphate; whereas in fact the article contained not more than 0.75 percent of atropine sulphate. Said article was alleged to be misbranded in that the statement, "Ophthalmic Ointment Atropine Sulphate 1 Per cent", borne on the tube labels, cartons, and boxes containing the cartons, was false and misleading in that it represented that the article contained 1 percent of atropine sulphate; whereas in fact it contained less than 1 percent of atropine sulphate.

On March 19, 1937, the defendant entered a plea of *nolo contendere* and the court suspended sentence.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27138. Adulteration and misbranding of diluted mercurial ointment U. S. P. and elixir terpin hydrate and codeine. U. S. v. S. F. Durst & Co., Inc. Plea of *nolo contendere*. Fine, \$100. (F. & D. no. 38586. Sample nos. 75246-B, 75247-B.)

Both articles differed from the standards prescribed for them in the United States Pharmacopoeia, and the elixir terpin hydrate and codeine also contained more than the quantity of terpin hydrate represented on the label.

On January 25, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against S. F. Durst & Co., Inc., charging shipment by said corporation in violation of the Food and Drugs Act, on or about May 27, 1936, from the State of Pennsylvania into the State of New Jersey of a quantity of diluted mercurial ointment U. S. P. and of elixir terpin hydrate and codeine that were adulterated and misbranded.

The Diluted Mercurial Ointment U. S. P. was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia in that it contained less than 29 percent of mercury, to wit not more than 23.42 percent thereof; whereas said pharmacopoeia provided that diluted (mild) mercurial ointment should contain not less than 29 percent of mercury, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be diluted mercurial ointment that conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact was not diluted mercurial ointment that conformed to the standard laid down in said pharmacopoeia. Said article was alleged to be misbranded in that the statement "Diluted Mercurial Ointment U. S. P.", borne on the label, was false and misleading in that it represented that the article was diluted mercurial ointment which conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact the article was not diluted mercurial ointment that conformed to the standard laid down in said pharmacopoeia.

The Elixir Terpin Hydrate & Codeine was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary, in that it contained more than 17.5 grams, to wit, not less than 23.8 grams, of terpin hydrate per 1,000 cubic centimeters, equivalent to 10.8 grains of terpin hydrate per fluid ounce; whereas said formulary provided that elixir terpin hydrate and codeine should contain in each 1,000 cubic centimeters 2 grams of codeine and 17.5 grains of terpin hydrate, the article contained codeine sulphate, which is not mentioned in said formulary as a constituent of elixir terpin hydrate and codeine; and its standard of strength, quality, and purity was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that

it was represented to contain in each fluid ounce 8 grains of terpin hydrate; whereas in fact each fluid ounce of the article contained more than 8 grains of terpin hydrate, to wit, not less than 10.8 grains thereof. Said article was alleged to be misbranded in that the statement, "Each fluid ounce contains: Terpin Hydrate 8 grs.", borne on the label, was false and misleading in that it represented that each fluid ounce of the article contained 8 grains of terpin hydrate; whereas in fact each fluid ounce contained more than 8 grains of terpin hydrate.

On March 19, 1937, a plea of nolo contendere was entered on behalf of the defendant corporation and the court imposed a fine of \$100.

HARRY L. BROWN,

Acting Secretary of Agriculture.

27139. Misbranding and alleged adulteration of Seedol Kelpamalt and Kayan.
U. S. v. 124 Cartons of Seedol Kelpamalt and Kayan. Default decree of condemnation and destruction. (F. & D. nos. 38470, 38471. Sample no. 3101-C.)

The Seedol Kelpamalt was misrepresented on the label and in accompanying printed matter to consist of malt extract, to have valuable diastatic content, and to consist exclusively of mineral ingredients; and accompanying printed matter contained false and fraudulent representations regarding its curative or therapeutic effects. The Kayan was misrepresented in accompanying printed matter as a granulated powder from the sap of an Asiatic tree; and accompanying printed matter contained false and fraudulent representations regarding its curative or therapeutic effect.

On November 2, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 cartons of Seedol Kelpamalt and Kayan at Los Angeles, Calif., alleging that they had been shipped in interstate commerce on or about July 25, 1936, by Allied Laboratories, from New York, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the Seedol Kelpamalt showed that it consisted essentially of ground kelp, cocoa, sugars, salt, and small proportions of inorganic salts and saccharin. Analysis of the Kayan showed that it consisted essentially of phenolphthalein (approximately 1.2 grains per teaspoonful), a gum, sugar, and starch.

The Seedol Kelpamalt was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (on labels and accompanying printed matter) "Kelpamalt" (on the bottle label), "Seedol Kelpamalt consists of * * * Malt Extract" and (in an accompanying booklet) "Dried malt extract with its valuable diastatic content * * * diastatic malt with its rich enzyme * * * for the prompt digestion of starch. * * * Kelpamalt supplies the enzyme, diastase", in that it did not consist of malt extract, did not have valuable diastatic content, and contained no diastatic malt with its rich enzyme. Said article was alleged to be misbranded (1) in that the name "Kelpamalt" and the statement "Seedol Kelpamalt consists of * * * Malt Extract", borne on the labels, were false and misleading because it did not contain malt extract; and (2) in that the statement, "A New Mineral Concentrate from the Sea", contained in an accompanying booklet, and the statement "try this truly amazing mineral concentrate", contained in an accompanying circular, were false and misleading in that the article contained ingredients other than minerals. Said article was alleged to be misbranded further in that statements regarding its curative or therapeutic effect, contained in an accompanying booklet and circulars and other printed matter, falsely and fraudulently represented that it was capable of producing the effects, among others, claimed in said statements in substance and effect as follows: That the article would be effective to aid or promote nutrition, to cause or produce gain or increase in weight, to improve the general physical condition, and to improve the appetite and digestion; effective as a body builder and weight builder, and to supply the system with minerals lacking in foods; effective to feed starved glands and to build red blood, to cause permanent gain in flesh, to steady the nerves, to increase the energy, to supply glands with the necessary and adequate iodine and to cause them to function properly, and to promote assimilation and metabolism; effective as a cure or remedy for, or for the relief or treatment of, the weak, the skinny, the run-down, the tired-out, the worn-out, the nervous, the haggard, the pale, and the sickly and ailing,

stomach troubles, disorders, and distress, acid stomach, sick stomach, distress after eating, gas and gas pains and bloating, digestive troubles and disturbances, indigestion, intestinal troubles and disturbances, liver trouble, constipation, loss and lack of appetite, bad breath, headache, dizziness, sleeplessness, irritability, nervousness, skin troubles colds, loss of and deficient and diminished weight, goiter, toxic goiter, defective functioning of glands, blood and glandular ailments, loss and lack of strength, energy, and vitality, run-down constitution, worn-out nerves, anemia, female ailments and disorders, and abnormal and painful menstruation.

The Kayan was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (in an accompanying circular) "A granulated powder from the sap of an Asiatic tree—Kayan", in that the article was not a granulated powder from the sap of an Asiatic tree (Kayan) but consisted essentially of phenolphthalein, a synthetic coal-tar cathartic, a gum, sugar, and starch. Said article was alleged to be misbranded in that statements regarding its curative or therapeutic effect, contained in an accompanying circular, falsely and fraudulently represented that it was capable of producing the effects claimed, among others, in said statements in substance and effect as follows: That the article would be effective to relieve and cure constipation and to relieve and prevent the conditions incident thereto and symptomatic thereof, such as distension of the colon, intestinal fermentation, gas in the stomach, toxemia and auto-intoxication, headaches, stomach acid, and pains around the heart.

On February 1, 1937, no claimant having appeared, the court adjudged and decreed the articles to be condemned as misbranded, and ordered their destruction.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27140. Adulteration of Nowland's Direct Application Tincture of Iodine. U. S. v. The George H. Nowland Co. Plea of guilty. Fine, \$40. (F. & D. no. 38608. Sample nos. 68862-B, 69239-B.)

This product differed from the standard for tincture of iodine as prescribed in the United States Pharmacopoeia.

On February 25, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the George H. Nowland Co., Cincinnati, Ohio, charging shipment by said corporation in violation of the Food and Drugs Act, on or about November 19, 1935, and January 2 and February 5, 1936, of quantities of Nowland's Direct Application Tincture of Iodine that was adulterated.

The article in the consignments of November 19, 1935, and February 5, 1936, was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation of the article, in that it contained not less than 12.87 grams of iodine and not less than 9.6 grams of potassium iodide per 100 cubic centimeters; whereas said pharmacopoeia provided that tincture of iodine should contain not more than 7.5 grams of iodine, and not more than 5.5 grams of potassium iodide per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container.

The article in the consignment of January 2, 1936, was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity, as determined by the test laid down in said pharmacopoeia official at the time of investigation of the article, in that it contained not more than 5.57 grams of iodine and not more than 4.04 grams of potassium iodide per 100 cubic centimeters; whereas said pharmacopoeia provided that tincture of iodine should contain not less than 6.5 grams of iodine and not less than 4.5 grams of potassium iodide per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container.

On March 2, 1937, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$40.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27141. Misbranding of Pep-O Iodized Dairy Minerals. U. S. v. Clarence A. Near (Krauss-Near Chemical Co.). Plea of guilty. Fine, \$50. (F. & D. no. 38621. Sample no. 5196-C.)

The labeling of this article contained false and fraudulent representations regarding its curative and therapeutic effects for dairy cows.

On March 2, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clarence A. Near, trading as Krauss-Near Chemical Co., Minneapolis, Minn., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about August 7, 1936, from the State of Minnesota into the State of Wisconsin of Pep-O Iodized Dairy Minerals that were misbranded.

Analysis of the article showed that it consisted essentially of calcium carbonate, calcium phosphate, sodium chloride, sodium sulphate, sodium bicarbonate, small proportions of iron oxide, sulphur, potassium iodide, and compounds of copper and manganese.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, in a circular enclosed in the bags containing it, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for poor health and disease; effective to stimulate the flow of salivary juices during mastication, to make food more palatable and easier to digest, to increase the flow of gastric juices, to cause cows to give more milk, to furnish the minerals found in milk, to improve the digestive functions, to enable cows to produce a strong, healthy calf each year, to cure run-down cows, to keep the blood pure, to prevent indigestion, sour stomach, gas, belching, bloating, fever, and scours; effective to keep cows in perfect health, to assure maximum digestion and assimilation, more milk, better milk, lengthened milk period, and higher butterfat production; effective as a preventive of deficiency abortion, caked udder, milk fever, and weak calves; and effective immediately to increase the milk flow; to lengthen the breeding life of a cow, to help cows to clean better at calving time, to help reduce scours in calves, to build up cow's resistance to disease, to improve cow's digestive functions, to make cows contented, and to help cows to produce larger and stronger calves.

On March 2, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27142. Misbranding of Cal-O-San Stomach Tablets. U. S. v. 497 Cartons of Cal-O-San Stomach Tablets. Product released for relabeling. (F. & D. no. 38866. Sample no. 31208-C.)

The label of this product bore false and fraudulent representations regarding its curative or therapeutic effect.

On December 22, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 497 cartons of Cal-O-San Stomach Tablets at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about November 14, 1936, by G. Brewerton, from Fort Browning, Mont., and that it was misbranded in violation of the Food and Drug Act as amended.

Analysis of the article showed that it consisted essentially of bismuth subcarbonate (10½ grains), calcium carbonate (6 grains), sodium bicarbonate (10½ grains), starch, and peppermint oil.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effect, borne on the package, falsely and fraudulently represented, that it was capable of producing the effect claimed in said statements: "Stomach Tablets * * * Directions inside lid * * * In nearly all cases where Ulcerous conditions are present, these tablets will cause distress during first few days of treatment. The important thing is to persevere and get relief."

On January 13, 1937, an order was entered releasing the product to the claimant, Roy Brewerton, under bond conditioned that it not be disposed of contrary to law.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27143. Adulteration and misbranding of Naco Nature's Aid. U. S. v. 46 Bottles of Naco Nature's Aid. Default decree of condemnation and destruction. (F. & D. no. 38927. Sample nos. 13678-C, 13693-C.)

The label of this product represented it as a "germicial antiseptic", when it was not a germicide, and bore false and fraudulent curative or therapeutic claims.

On January 12, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 bottles of Naco Nature's Aid at New Orleans, La., alleging that it had been shipped in interstate commerce on or about June 24 and October 3, 1936, by the Naco Co., from Jackson, Miss., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of iron sulphate and water with small proportions of aluminum, calcium, magnesium, manganese, sodium, potassium, and phosphorus compounds. Bacteriological tests showed that it was not a germicide.

The article, contained in bottles of two sizes, was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (label on larger bottles) "germicial antiseptic", and (label on smaller bottles) "Kills Germs * * * germicial antiseptic" in that it was not a germicide.

The article was alleged to be misbranded in that the statements (label on larger bottles) "germicial antiseptic", and (label on smaller bottles) "Kills Germs * * * germicial antiseptic" were false and misleading in that it was not a germicide and did not have the germicial properties claimed for it. It was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effect, borne on the bottle labels, falsely and fraudulently represented that it was capable of producing the effect claimed in said statements: (Larger bottles) "A soothing, healing application for sores, * * * burns, cuts, * * * For tonic indigestion, rheumatism, pus in kidneys, irritated bladder, dysentery, 5 to 10 drops in glass of water after meals three times daily. For acute indigestion, ptomaine poison, acute diarrhea, teaspoonful in glass of water * * * Sore throat and tonsils, dilute with water and gargle often. Ulcerated tonsils apply full strength. Fresh cuts, * * * toothache, * * * burns * * * apply immediately full strength. Sores, erysipelas, dilute and apply with cloth. Carbuncles apply full strength"; (smaller bottles) "Stops Blood—Kills Germs * * * A safe * * * remedy for external and internal use. Apply full strength to fresh cuts, * * * burns, toothache. Tonic 5 drops in water 3 times daily. Acute indigestion, ptomaine poisoning take teaspoonful in glass of water."

On February 25, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27144. Adulteration and misbranding of "Glycerophosphate Co."; Iron and arsenic; and iron, arsenic and phosphorus. U. S. v. 5 Packages of Ampuls of "Glycerophosphate Co."; 4 Cartons of Ampuls of Iron and Arsenic; and 2 Cartons of Ampuls of Iron, Arsenic and Phosphorus. Default decrees of condemnation and destruction. (F. & D. nos. 38950, 38951, 38952. Samples nos. 35113-C, 35114-C, 35119-C.)

The "Glycerophosphate Co." contained a smaller proportion of sodium cacodylate than that represented on the label; the name "Glycerophosphate Co." was misleading since the article contained physiologically active ingredients not indicated by said name; and the label bore false and fraudulent curative or therapeutic claims. The ampuls of iron and arsenic and of iron, arsenic, and phosphorus contained smaller proportion of iron cacodylate than those stated on the labels, which also bore false and fraudulent curative or therapeutic claims.

On January 13, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of five packages of an article labeled "Glycerophosphate Co.", four cartons of iron and arsenic, and two cartons of iron, arsenic, and phosphorus at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about May 6 and May 13, 1936, consigned by A. M. Rovin Laboratories, Inc., from Detroit,

Mich., and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended.

The Glycerophosphate Co. was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Each Mil. (cc) contains: * * * Sodium Cacodylate . . . 0.032 gm. $\frac{1}{2}$ gr.", in that each milliliter contained not more than 0.006 gram of sodium cacodylate. Said article was alleged to be misbranded in that the statement, "Each Mil. (cc) contains: * * * Sodium Cacodylate . . . 0.032 gm. $\frac{1}{2}$ gr.," borne on the label, was false and misleading in that it represented that each milliliter of the article contained 0.032 gram, that is one-half grain, of sodium cacodylate; whereas in fact each milliliter of the article contained less than said quantity of sodium cacodylate. It was alleged to be misbranded further in that the name "Glycerophosphate Co.," borne on the label, was misleading in that it contained physiologically active ingredients including iron citrate, strychnine citrate, and sodium cacodylate, not indicated in said name. Said article was alleged to be misbranded further in that the statement regarding its curative or therapeutic effects, "Malnutrition * * * Hematinic * * * Anemia * * * Neurasthenia", borne on the label falsely and fraudulently represented that it would be effective a cure or remedy for, or in the treatment of, malnutrition, anemia, and neurasthenia, and that it would have a hematinic effect.

The iron and arsenic was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Each 5 Mil. (cc) contains: Iron Cacodylate . . . 0.065 gm. 1 gr.", in that each 5 milliliters of the article contained not more than 0.376 grain of iron cacodylate. Said article was alleged to be misbranded in that the statement, "Each 5 Mil. (cc) contains: Iron Cacodylate . . . 0.065 gm. 1 gr.," borne on the label, was false and misleading in that it represented that each 5 milliliters of the article contained 0.065 gram, that is, 1 grain, of iron cacodylate; whereas in fact each 5 milliliters of the article contained less than said quantity of iron cacodylate. It was alleged to be misbranded further in that the statement regarding its curative or therapeutic effects, "Pellagra, Anemias and various Lymphadenitis and Leukemias * * * thereby producing a prolonged and lasting therapeutic effect", borne on the label, falsely and fraudulently represented that the article would be effective as a cure or remedy for, or in the treatment of, pellagra, anemias, and the various forms of lymphadenitis and leukemias.

The iron, arsenic, and phosphorus was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "5 Mil. (cc) contains: * * * Iron Cacodylate, 1 Gr.", in that each milliliter contained less than said quantity of iron cacodylate. Said article was alleged to be misbranded in that the statement, "5 Mil (cc) * * * Iron Cacodylate, 1 Gr.," borne on the label, was false and misleading in that it represented that each 5 milliliters of the article contained 1 grain of iron cacodylate; whereas in fact each 5 milliliters contained not more than 0.264 grain of iron cacodylate. Said article was alleged to be misbranded further in that the statement regarding its curative or therapeutic effect, "Anemia, Neurasthenia, Rachitis, Osteomalacia * * * Convalescence", borne on the label, falsely and fraudulently represented that the article would be effective as a cure or remedy for, or in the treatment of, anemia, neurasthenia, rachitis, osteomalacia, and in promoting or expediting convalescence.

On February 19, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27145. Adulteration of Aromatic Spirits of Ammonia, U. S. P. XI. U. S. v. 132 Bottles of Aromatic Spirits of Ammonia, U. S. P. XI. Default decree of condemnation and destruction. (F. & D. no. 88957. Sample no. 8006-C.)

This article differed from the standard prescribed for it in the United States Pharmacopoeia.

On January 14, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 132 bottles of an article labeled "Aromatic Spirits of Ammonia, U. S. P. XI", at Perry Point, Md., alleging that

it had been shipped in interstate commerce on or about October 24, 1936, by the Var-Lac Old Chemical Co., from New York, N. Y., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "Aromatic Spirits of Ammonia", and it differed from the standard of quality and purity as determined by the test laid down in said pharmacopoeia in that it contained crystals of ammonium bicarbonate; whereas the pharmacopoeia described the article as a nearly colorless liquid when freshly prepared, but gradually acquiring a yellow color on standing, and its own standard of quality and purity was not stated upon the container.

On February 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27146. Misbranding of G. W. Davis Inflammatory Extirpator. U. S. v. 29 Bottles of G. W. Davis Inflammatory Extirpator. Default decree of condemnation and destruction. (F. & D. no. 38972. Sample no. 12155-C.)

The quantity or proportion of alcohol contained in this article was not declared on the bottle labels and the declaration on the cartons was inconspicuously placed. The bottle label and enclosing cartons bore false and misleading representations that the article was guaranteed by the United States Government to comply with the Food and Drugs Act, and that it was safe and harmless for internal use; and false and fraudulent representations regarding its curative or therapeutic effects.

On January 25, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 bottles of G. W. Davis Inflammatory Extirpator at Providence, R. I., alleging that it had been shipped in interstate commerce on or about December 2, 1936, by Charles L. Isherwood & Sons from Fall River, Mass., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of alcohol (69.2 percent), capsicum, volatile oils including turpentine oil and camphor, a gum, and water.

It was alleged to be misbranded (1) in that the package failed to bear a statement of the quantity or proportion of alcohol that it contained in that no such statement appeared on the bottle labels and such statement on the top flap of the cartons was inconspicuously placed; (2) in that the statement, "Guaranteed * * * Under the Food and Drugs Act, June 30, 1906, Serial No. 12170", borne on the cartons enclosing the bottles, was false and misleading in that it represented that the article had been examined and approved, and was guaranteed to comply with the law by the Government of the United States; whereas in fact the article had not been examined and approved, and was not guaranteed to comply with the law, by the United States Government; (3) in that the statement, "Extirpator is perfectly harmless and can be taken internally, or used as a liniment by the most inexperienced with safety", borne on the bottle labels and upon the cartons, and the statement, "This article is perfectly safe, in every respect, to use as directed", contained in the circular, were false and misleading when applied to an article that was not safe and harmless when used internally. It was alleged to be misbranded further in that statements regarding its curative or therapeutic effects, borne on the bottle labels and cartons and in a circular, falsely and fraudulently represented that when used or administered as directed, it would cure or relieve external and internal pain, coughs, sore throat, astham, la grippe, croup, diarrhea, dysentery, chills, bilious colic, cholera morbus, cholera, cramps, bilious headache, nervous headache, kidney and urinary diseases, dyspepsia, indigestion, sour stomach, costiveness, lack of appetite, neuralgia, general debility, rheumatism, spinal affection, toothache, swelled face, piles, sores of all kinds, fresh wounds, earache, inflamed or weak eyes, and prolapsus uteri.

On February 13, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27147. Adulteration and misbranding of aromatic spirits of ammonia U. S. P. U. S. v. 125 Bottles of Aromatic Spirits of Ammonia U. S. P. Default decree of condemnation and destruction. (F. & D. no. 38988. Sample no. 8010-C.)

This article differed from the standard prescribed for it in the United States Pharmacopoeia in that analysis of a sample by this Department showed that it contained in each 100 cubic centimeters not more than 1.509 grams of total ammonia, and not more than 3.123 grams of ammonium carbonate; whereas the United States Pharmacopoeia provided that aromatic spirits of ammonia should contain not less than 1.7 grams of total ammonia and not less than 3.5 grams of ammonium carbonate per 100 cubic centimeters.

On January 22, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 bottles of aromatic spirits of ammonia U. S. P. at Perry Point, Md., alleging that the article had been shipped in interstate commerce on or about December 14, 1936, by the Varlacoid Chemical Co., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "Aromatic Spirits of Ammonia"; and it differed from the standard of strength as determined by the test laid down in said pharmacopoeia; and its own standard of strength was not stated upon the container.

It was alleged to be misbranded in that the statement, borne on the label, "Aromatic Spirits of Ammonia U. S. P.", was false and misleading in that it represented that the article conformed to the specifications of the United States Pharmacopoeia, whereas in fact it did not conform to the specifications of the pharmacopoeia.

On February 26, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27148. Misbranding of Mentos. U. S. v. 64 Bottles of Mentos. Default decree of condemnation and destruction. (F. & D. no. 39014. Sample no. 23395-C.)

The label of this article bore false and fraudulent representations regarding its curative or therapeutic effect.

On January 29, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 bottles of Mentos at Baltimore, Md., alleging that it had been shipped in interstate commerce on or about January 4, 1937, by J. Mento, from Philadelphia, Pa., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of sulphur, borax, ammonia, sodium bicarbonate, and water, with small quantities of perfume materials.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effect, borne on the bottle label, falsely and fraudulently represented that it was capable of producing the effect claimed in said statements: " * * * for Dandruff, Falling Hair, Ringworm, * * * and Scalp Irritations. * * * A Medicine for Skin and Scalp Mentos * * * stimulates the glands and allows the blood to circulate freely and nourish the roots. For this reason, Mentos is recommended for scalp disorders such as psoriasis, eczema, dandruff, falling hair and scaling scalp. * * * 'Six Week' Treatment From our past experience, we have found that many persons who have taken this Six Week Treatment have obtained excellent results in the promotion of new hair growth and healthy scalp conditions."

On March 3, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27149. Misbranding of Lifsey's Vim Herb. U. S. v. 90 Bottles of Lifsey's Vim Herb. Default decree of condemnation and destruction. (F. & D. no. 39019. Sample no. 22672-C.)

The labeling of this article contained false and fraudulent representations regarding its curative and therapeutic effect.

On or about February 3, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 bottles of Lifsey's Vim Herb at Atlanta, Ga., alleging that it had been shipped in interstate commerce on or about November 24, 1936, by A. P. Durham from Anderson, S. C., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it was composed of plant extractives and one or more emodin-bearing drugs.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the bottle labels and cartons and contained in an enclosed circular, falsely and fraudulently represented that it would be effective as a cure or remedy for, and for the treatment or relief of, constipation; stomach, liver, and kidney disorders and all impoverished or changed conditions of the system; and disorders of the blood; and would be effective to cleanse the system and restore ills caused by or attending constipation, including fullness after meals, dizziness, biliousness, and coated tongue; effective to restore vim, vigor, vitality, and health; effective to restore perfect health; would be effective in purifying, strengthening, upbuilding, and revitalizing the system; effective in removing health-destroying poisons that cause sickness; effective in supplying perfect health and vigorous vitality; effective as a medicine for the entire system; and would afford relief from all stomach, liver, kidney, and bowel difficulties.

On March 1, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27150. Misbranding of Dunlap's Colic Remedy for Horses and Cattle. U. S. v. 15 Bottles of Dunlap's Colic Remedy for Horses and Cattle. Default decree of condemnation and destruction. (F. & D. no. 39025. Sample no. 5040-C.)

The quantity of alcohol contained in this article was misrepresented on the cartons and bottle labels. These labels and a circular enclosed in the cartons, bore and contained false and fraudulent curative or therapeutic claims.

On February 2, 1937, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bottles of Dunlap's Colic Remedy for Horses and Cattle at Madison, Ark., alleging that it had been shipped in interstate commerce on or about January 21, 1937, by the Morna Wright Medicine Co., from Memphis, Tenn., and that it was misbranded in violation of the Food and Drugs Act.

Analysis of the article showed that it consisted essentially of alcohol (49.5 percent) and water, with small proportions of ether, ammonia, camphor, ethyl nitrite, asafoetida, and extracts of plant materials.

It was alleged to be misbranded in that the statements, "Contains 35 Per Cent Alcohol", borne on the carton, and "Contains 35% Alcohol", borne on the bottle label, were false and misleading. The article was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effect, borne on the bottle labels and cartons, and contained in a circular enclosed in the cartons, falsely and fraudulently represented that it was capable of producing the effect claimed in said statements: (Bottle label) "Colic Remedy for Horses and Mules * * * Warranted to relieve Colic and acts on the Kidneys"; (carton) "Colic Remedy for Horses and Mules * * * You can recommend our Colic Remedy to your customers with our assurance that it will give satisfaction. * * * Our Colic Remedy is warranted to give satisfaction. Ask any one who has tried it. In severe cases it is sometimes necessary to give the second or third dose"; (circular) "Dunlap's Colic Remedy was not devised to be sold on the basis of cheapness, but with the sole idea of producing the very best general colic remedy that possibly could be made. * * * Good Reasons for Using Dunlap's Colic Remedy: 1. Because it usually acts direct on the Kidneys and Bowels in 15 to 30 minutes, and as a rule relieves Gravel. 2. Because it will strengthen the digestive organs and give the animal a good appetite."

On March 16, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN,
Acting Secretary of Agriculture.

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¹ Contains an opinion of the court.

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27151-27225

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 4, 1937]

27151. Adulteration and misbranding of butter. U. S. v. Davis-Cleaver Produce Co. Plea of guilty. Fine, \$350 and costs. (F. & D. no. 33900. Sample nos. 58201-A, 58202-A, 58490-A, 58492-A, 58493-A, 58506-A, 58507-A, 58508-A, 59248-A, 66049-A, 66125-A, 13505-B.)

This case involved interstate shipments of butter that was deficient in milk fat, and a portion of which was short in weight.

On March 27, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Davis-Cleaver Produce Co., a corporation of Quincy, Ill., alleging shipment by said company in violation of the Food and Drugs Act between the dates of May 23, 1933, and August 22, 1934, from the State of Illinois into the States of Maine, Massachusetts, Michigan, Missouri, and New York of quantities of butter that was adulterated and a portion of which was misbranded. Certain lots were labeled variously: "Country Roll * * * I G A Brand Butter * * * Packed for Independent Grocers Alliance Distributing Co. Chicago, Illinois"; "Red Oak Brand Butter"; "Fancy Roll Butter, Ferndale Country Roll * * * Packed expressly for Charles Abrams & Sons, Long Island City"; "Ferndale Creamery Butter manufactured by Davis-Cleaver Produce Co., Quincy, Illinois * * * One Pound net weight."

The article was alleged to be adulterated in that a product that contained less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of Congress of March 4, 1923, which the article purported to be.

Portions of the article were alleged to be misbranded in that the statement "butter", borne on the packages, was false and misleading since it represented that the article was butter as defined by law; whereas it was a product deficient in milk fat in that it contained less than 80 percent by weight of milk fat; and in that it was labeled as aforesaid so as to deceive and mislead the purchaser. One lot was alleged to be misbranded further in that the statement "One Pound Net Weight", borne on the carton, was false and misleading and was borne on said carton so as to deceive and mislead the purchaser since the carton contained less than 1 pound; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 9, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$350 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

27152. Misbranding of olive oil. U. S. v. John Montecalvo. Plea of guilty. Fine, \$50. (F. & D. no. 35882. Sample no. 25869-B.)

This product was represented to be imported olive oil. Examination showed that it consisted chiefly, if not wholly, of domestic cottonseed oil.

On August 11, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against John Montecalvo, Providence, R. I., alleging shipment by said defendant in violation of the Food and Drugs Act on or about January 18, 1935, from the State of Rhode Island into the State of Massachusetts of a quantity of alleged olive oil that was misbranded. The article was labeled in part: "Imported from Italy * * * Vieste Gargano brand Pure Olive Oil Prodotto di Vieste-Italia Impaccato dai Vieste Gargano Co."

It was alleged to be misbranded in that the statements, "Vieste Gargano * * * Pure Olive Oil", "Olio Puro Di Oliva", "Prodotto Di Vieste-Italia Impaccato dai Vieste Gargano Co.", "The Olive Oil Contained in this Can is of Finest Quality & Guaranteed Absolutely Pure under Chemical Analysis", "L'Olio Di Oliva Impaccato In Questa Latta E' Garantito Puro Sotto Analisi Chimica", and "Imported from Italy", together with designs showing olive branches bearing olives, borne on the cans containing the article, were false and misleading and were borne on the cans so as to deceive and mislead the purchaser, since they represented that the article was pure olive oil produced in and imported from Italy; whereas it was not pure olive oil produced in and imported from Italy but was a domestic product consisting chiefly, if not wholly, of cottonseed oil. The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, olive oil.

On September 4, 1936, a plea of guilty was entered and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

27153. Alleged adulteration of apples. U. S. v. Frank H. Hogue. Tried to the court and a jury. Verdict of not guilty. (F. & D. no. 35934. Sample no. 3886-B.)

On December 24, 1935, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank H. Hogue, of Payette, Idaho, trading at Fruitland, Idaho, charging shipment by said defendant in violation of the Food and Drugs Act, on or about October 18, 1934, from the State of Idaho into the State of South Dakota of a quantity of apples that were alleged to be adulterated. The article was labeled in part: (Rubber stamp) "H. D. Coble Weiser, Idaho Winesap."

It was alleged to be adulterated in that it contained poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On September 24, 1936, the defendant having entered a plea of not guilty, the case came on for trial before a jury. The trial was concluded on September 26, 1936, on which date the jury returned a verdict of not guilty.

M. L. WILSON, *Acting Secretary of Agriculture.*

27154. Adulteration and misbranding of dairy feed. U. S. v. El Reno Mill & Elevator Co. Case submitted to court on agreed facts. Judgment of guilty; fine, \$75 and costs. (F. & D. no. 35956. Sample nos. 10152-B, 10153-B.)

This case involved an interstate shipment of dairy feed of which a portion contained oat hulls, weed seeds, and dried weeds, and more crude fiber and less nitrogen-free extract than declared on the label; and another portion contained ingredients not listed on the label, certain ingredients in excess, and other ingredients in a lesser amount than the percentages declared.

On September 16, 1935, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the El Reno Mill & Elevator Co., a corporation trading at El Reno, Okla., alleging shipment by said company in violation of the Food and Drugs Act on or about September 28, 1934, and January 4, 1935, from the State of Oklahoma into the State of Texas of quantities of dairy feed of which a part was adulterated and misbranded, and the remainder was misbranded. A portion of the article was labeled in part: "Humreno Dairy Feed With Limestone, composed of corn feed meal, ground kafir, wheat bran, 43% protein cottonseed meal, 34% protein linseed meal, ground limestone 1%, bone meal, salt 1%, Manufactured by El Reno Mill & Elevator Company El Reno, Oklahoma." The remainder was labeled in part: "Big 'E' Pasture Substitute with Molasses and Limestone * * * Manufactured by El Reno Mill & Elevator Company El Reno, Okla."

The Humreno dairy feed was alleged to be adulterated in that oat hulls, weed seeds, and dried weeds had been mixed and packed with it so as to reduce, lower and injuriously affect its quality; and in that a product containing oat hulls, weed seeds, and dried weeds, and containing more crude fiber and less nitrogen-free extract than declared on the label had been substituted for the article. It was alleged to be misbranded in that the statements, "Guaranteed Analysis * * * Crude Fiber not more than 7.60 per cent" and "Nitrogen-Free Extract not less than 49.00 per cent", and the statement of composition borne on the tags were false and misleading and were borne on the tag so as to deceive and mislead the purchaser since they represented that the article contained not more than 7.6 percent of crude fiber and not less than 49 percent of nitrogen-free extract and was composed solely of the ingredients named on the tag; whereas it contained more than 7.6 percent of crude fiber and less than 49 percent of nitrogen-free extract and was composed in part of ingredients not named on the tag; i. e., oat hulls, weed seeds, and dried weeds.

The Pasture Substitute brand was alleged to be misbranded in that the statements, "Composed of * * * rice hulls 22%, ground screenings * * * 16%, * * * 43% protein cottonseed meal 6%, 41% protein soybean oil meal 4%, corn gluten meal 3%, ground limestone 2%, 34% protein linseed meal 1% * * * Guaranteed Analysis: Crude Protein not less than 9.00 Per Cent, Crude Fat not less than 1.50 Per Cent, Crude Fiber not more than 15.00 Per Cent * * * Nitrogen-Free Extract not less than 48.00 Per Cent", borne on the tag, were false and misleading, were borne on said tag so as to deceive and mislead the purchaser since they represented that the article was composed of the substances and ingredients named and in the amounts stated on the tag; whereas the article was not composed of the ingredients named and in the amounts stated on the tag since it contained more than 22 percent of rice hulls, more than 2 percent of ground limestone, more than 15 percent of crude fiber, and contained less than 16 percent of ground screenings, less than 9 percent of crude protein, less than 1½ percent of crude fat, less than 48 percent of nitrogen-free extract, and contained no cottonseed meal, soybean oil meal, corn gluten meal, nor linseed meal.

On April 6, 1937, the case was submitted to the court on agreed facts and briefs, a judgment of guilty was entered, and a fine of \$75 and costs was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27155. Adulteration and misbranding of imitation lemon extract, *Colora Da Olio de Oliva*, and *Olive-Concentrol*. U. S. v. Drew Corporation and James F. Drew. Pleas of guilty. Total fines, \$390. (F. & D. no. 36036. Sample nos. 24383-B, 26045-B, 26046-B, 26047-B.) **U. S. v. Drew Corporation, James F. Drew, and LeRoy C. Morley (National Co.). Pleas of guilty. Total fines, \$259.** (F. & D. no. 36048. Sample nos. 24297-B, 26043-B, 26044-B.) **U. S. v. Drew Corporation, James F. Drew, and Frederick P. Robbins (L. Feldman & Co.). Pleas of guilty. Total fines, \$170.** (F. & D. no. 36047. Sample nos. 24455-B, 24456-B.)

These cases involved the following: (1) A product labeled "Imitation Lemon Extract, Citral, Alcohol, Water and Color", which was not imitation lemon extract composed of said ingredients, since it contained no lemon oil and no appreciable amount of citral, and which was not labeled with a correct statement of the quantity of contents of the containers; (2) a product, labeled "*Colora Da Olio De Oliva*", which contained an unpermitted coal-tar color, and certain lots of which contained lead; and (3) a product, labeled "*Olive-Concentrol*", which contained no concentrate or other substances derived from olives or olive oil, and which did contain an unpermitted coal-tar dye, another coloring substance, and artificial flavor.

On April 5, 1936, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court three informations as follows: One charging the Drew Corporation, Brooklyn, N. Y., and James F. Drew, an officer of the corporation, with shipping in interstate commerce in violation of the Food and Drugs Act, on or about October 27, 1934, April 10, and April 14, 1935, from the State of New York into the State of Massachusetts quantities of *Colora Da Olio De Oliva* and *Olive-Concentrol*; and on or about April 30, 1935, from the State of New York into the State of Pennsylvania of a quantity of imitation lemon extract, all of which were adulterated and misbranded; another charging the Drew Corporation, James F. Drew, and LeRoy C. Morley, trading as the National Co., at Brooklyn, N. Y., with shipping in interstate commerce in violation of

said act on or about February 4, 1935, from the State of New York into the State of Pennsylvania a quantity of imitation lemon extract, and on or about April 18, 1935, from the State of New York into the State of Massachusetts, quantities of Colora Da Olio De Oliva and Olive-Concentrol all of which were adulterated and misbranded; and a third charging the Drew Corporation, James F. Drew, and Frederick P. Robbins, trading as L. Feldman & Co., at Brooklyn, N. Y., with shipping in violation of said act on or about January 22, 1935, from the State of New York into the State of Pennsylvania quantities of Colora Da Olio De Oliva and Olive-Concentrol which were adulterated and misbranded. The articles were variously labeled in part: "3 Fluid Ounces Certified Brand Imitation Lemon Extract Composed of Lemon Oil, Citral, Alcohol, Water, Color, Drew Corporation, New York City, N. Y."; "Colora Da Olio De Oliva * * * National Company * * * Brooklyn, New York"; "Gustave Schraff Fabrik Mainz Olive-Concentrol [or "Colora Da Olio De Oliva"]."

The imitation lemon extract was alleged to be adulterated in that a product containing no lemon oil and practically no citral, and consisting mainly of water, a small amount of alcohol, and a coal-tar dye (tartrazine), had been substituted for "imitation lemon extract composed of lemon oil, citral, alcohol, water, color", which it purported to be. The imitation lemon extract was alleged to be misbranded in that the statement, "Imitation Lemon Extract Composed of Lemon Oil, Citral, Alcohol, Water, Color", borne on the bottle, was false and misleading since the article was not imitation lemon extract composed of said ingredients but was a product containing no lemon oil and practically no citral and consisting mainly of water, a small amount of alcohol, and a coal-tar dye (tartrazine); in that said statement was borne on the bottles so as to deceive and mislead the purchaser; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package i. e., the bottle, since the quantity of the contents was an amount not more than 2 fluid ounces and the amount was not stated, but instead the bottle bore the stated quantity as "3 Fluid Ounces."

The Colora Da Olio De Oliva and Olive-Concentrol were alleged to be adulterated in that both contained an added poisonous or deleterious ingredient, namely, Quinizarine Green, CI #1078, an unpermitted coal-tar color, and certain lots of the former also contained an added poisonous or deleterious ingredient, lead, in amounts which might have rendered the articles injurious to health. The Olive-Concentrol was alleged to be adulterated further in that a product containing artificial color and artificial flavor, namely, Quinizarine Green CI #1078, and esters of butyric acid, respectively, and containing no olive oil nor concentrate of olives or of olive oil had been substituted for Olive-Concentrol, an olive-flavored product derived from olives, which the article purported to be. The Colora Da Olio De Oliva was alleged to be misbranded in that the statement "Colora Da Olio De Oliva", borne on the bottles, was false and misleading in that it represented that said article was color from oil of olives; whereas said article was not color from oil of olives but was a thick greenish, oily solution containing Quinizarine Green CI #1078, an unpermitted coal-tar color, and another coloring substance, namely, Yellow OR CI #61; and in that said statement was borne on said bottles as aforesaid so as to deceive and mislead the purchaser.

The Olive-Concentrol was alleged to be misbranded in that the statement "Olive-Concentrol", borne on the bottle, was false and misleading in that it represented that the article was Olive-Concentrol, i. e., an olive-flavored product derived from olives; whereas it was not an olive-flavored product derived from olives, but was a product containing artificial color and artificial flavor, namely, Quinizarine Green CI # 1078 and esters of butyric acid, respectively, and it contained no olive oil nor concentrate of olives or of olive oil; and in that said statement was borne on the bottles so as to deceive and mislead the purchaser.

On April 20, 1937, pleas of guilty were entered on behalf of each defendant to the three informations. The Drew Corporation was fined \$260, and James F. Drew \$130 on the first information; the Drew Corporation was fined \$140, James F. Drew \$70, and LeRoy C. Morley \$49 on the second information; and the Drew Corporation was fined \$80, James F. Drew \$40, and Frederick P. Robbins \$50 on the third information.

M. L. WILSON, *Acting Secretary of Agriculture.*

27156. Adulteration of tomato paste. U. S. v. 888 Cases of Tomato Paste. Portion of product condemned and destroyed; remainder exonerated and released. (F. & D. no. 36141. Sample no. 16065-B.)

This case involved tomato paste that in part contained filth resulting from worm infestation.

On August 16, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 888 cases of tomato paste at New York, N. Y., alleging that it had been shipped in interstate commerce on or about July 27, 1935, by the Uddo-Taormina Corporation from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy California Tomato Paste with Sweet Basilico Giardiniera Brand * * * Packed by La Sierra Heights Canning Co. Los Angeles, Calif."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 22, 1937, the Uddo-Taormina Corporation having appeared as claimant, judgment of condemnation and destruction was entered as to a portion of said shipment and the remainder was adjudged exonerated.

M. L. WILSON, *Acting Secretary of Agriculture.*

27157. Adulteration of crab meat. U. S. v. William Clayton Larrimore (W. C. Larrimore). Plea of guilty. Fine, \$125 and costs. (F. & D. no. 36963. Sample nos. 27658-B, 27659-B, 42124-B, 55382-A, 55457-A.)

This case involved an interstate shipment of crab meat that contained fecal *Bacillus coli*.

On March 11, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Clayton Larrimore, trading as W. C. Larrimore, St. Michaels, Md., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 15 and 22, 1933, and August 8 and 15, 1935, from the State of Maryland into the State of Pennsylvania of quantities of crab meat that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance due to pollution by fecal *B. coli*.

On May 12, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$125 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

27158. Misbranding of cottonseed cake or meal. U. S. v. Transit Milling Co. Plea of guilty. Fine, \$50. (F. & D. no. 37011. Sample no. 49179-B.)

This case involved cottonseed cake or meal that contained less protein than declared on the label.

On September 1, 1936, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Transit Milling Co., a corporation, Sherman, Tex., alleging shipment by said company in violation of the Food and Drugs Act on or about September 20, 1935, from the State of Texas into the State of Kansas of a number of sacks of cottonseed cake or meal that was misbranded. The article was labeled in part: (Tag) "Tranco Brand 43% Protein Cottonseed Cake or Meal * * * Guaranteed Analysis: Protein not less than 43% * * * Manufactured by Transit Milling Company Sherman, Texas—Galveston, Texas—Cairo, Illinois."

The article was alleged to be misbranded in that the statements, "43% Protein" and "Guaranteed Analysis: Protein not less than 43%", borne on tags attached to the sacks, were false and misleading and were borne on said tags so as to deceive and mislead the purchaser since the article contained less than 43 percent of protein; namely, not more than 39.44 percent of protein.

On April 12, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

27159. Adulteration of canned salmon. U. S. v. Alaska Packers Association. Plea of guilty. Fine, \$200. (F. & D. no. 37012. Sample nos. 13201-B, 13203-B, 26744-B, 26746-B.)

This case involved canned salmon that was in part decomposed.

On June 2, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against the Alaska Packers Association, Alameda, Calif., alleging shipment by said corporation in violation of the Food and Drugs Act on or about August 15, 1935, from the Territory of Alaska into the State of California of a quantity of unlabeled canned salmon which was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On April 24, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

27160. Misbranding of apple butter. U. S. v. Goodwin Preserving Co. Plea of guilty. Fine, \$60 and costs. (F. & D. no. 37040. Sample nos. 39340-B, 39347-B.)

This case involved a shipment of apple butter that was short in weight.

On May 23, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Goodwin Preserving Co., trading at Louisville, Ky., alleging shipment by said corporation in violation of the Food and Drugs Act as amended, on or about May 23 and September 20, 1935, from the State of Kentucky into the State of Michigan of quantities of apple butter that was misbranded. The article was labeled in part: (Jar) "Cardinal Brand Contents 2 Lbs. Apple Butter Louisville Preserving Co. Louisville, Kentucky."

It was alleged to be misbranded in that the statement "Contents 2 Lbs.", borne on the jars, was false and misleading and was borne on said jars so as to deceive and mislead the purchaser since the jars contained less than 2 pounds of the article. The article was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 17, 1937, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$60 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

27161. Misbranding of vanilla extract. U. S. v. Food Materials Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 37062. Sample nos. 45501-B, 45502-B, 53026-B, 53027-B, 53056-B to 53059-B, incl., 53062-B, 53063-B.)

This product was short in weight.

On March 18, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Food Materials Corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about December 10, 11, 20, and 21, 1935, and February 5 and 8, 1936, from the State of Illinois into the State of Georgia of quantities of vanilla extract that was misbranded. A portion of the article was labeled: (Bottle) "Cook's Betty Smart. Contents 8 fld. ozs. Pure Vanilla Extract * * * Cook's Food Products Chicago 8 Fluid Ounces"; (Individual carton) "8 Fluid Ounces"; (large carton in one lot) "8-oz." The remainder was labeled: (Bottle) "Tasty Foods Brand Pure Vanilla Extract * * * Contents 4 fld. ozs. Tallman & Millard Chicago Ill."

It was alleged to be misbranded in that the statements "8 Fluid Ounces", "8 fld. ozs.", "8-Oz.", and "Contents 4 fld. ozs.", borne on the cartons and bottles, were false and misleading and in that the article was labeled so as to deceive and mislead the purchaser since the bottles contained less than represented; it was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 15, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

27162. Adulteration of salmon. U. S. v. 100 and 102 Cases of Salmon. Consent decree of condemnation. Product released under bond subject to segregation and destruction of decomposed portion. (F. & D. no. 37486. Sample nos. 63083-B, 63084-B.)

This product was in part decomposed.

On March 27, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 202 cases of salmon at Duluth,

Minn., alleging that it had been shipped in interstate commerce on or about February 27, 1936, by Pacific American Fisheries, Inc., from South Bellingham, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: (Can) "Table Talk Alaska Red Sockeye Salmon * * * Packed For Rust Parker Co. Duluth, Minn."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 3, 1936, Pacific American Fisheries, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond subject to segregation and destruction of the decomposed portion and re cooking and resealing the remainder and relabeling it "Reprocessed."

M. L. WILSON, *Acting Secretary of Agriculture.*

27163. Adulteration of dressed poultry. U. S. v. Charles Vernon Rosenberger and Edward J. Belgarde (Independence Produce Co.). Pleas of guilty. Fines, \$200 and costs. (F. & D. no. 37982. Sample nos. 48149-B, 48150-B, 48201-B.)

This case involved dressed poultry in samples of which were found evidence of disease, discoloration, fractured bones, and other conditions which rendered the product unfit for food.

On April 14, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles Vernon Rosenberger and Edward J. Belgarde, trading as Independence Produce Co., at Independence, Iowa, alleging shipment by said defendants in violation of the Food and Drugs Act on or about December 13, 1935, from the State of Iowa into the State of Illinois of a quantity of dressed poultry that was adulterated. A portion of the article was labeled in part: (Tag) "From Independence Produce Company * * * Independence, Iowa."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance; and in that it was in whole or in part the product of diseased animals.

On April 28, 1937, the defendants entered pleas of guilty and the court imposed fines of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

27164. Adulteration of tomato puree. U. S. v. Ross W. Morris. Plea of guilty. Fine, \$10 and costs. (F. & D. no. 37999. Sample nos. 55410-B, 55411-B.)

This case involved tomato puree that contained excessive mold.

On March 12, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ross W. Morris, of Indianapolis, Ind., at the time of the violation charged in the information, secretary of the Warren Packing Co., Inc., a corporation with its principal place of business at Warren, Ind., alleging shipment by the Warren Packing Co., Inc., on or about September 30, 1935, from Warren, Ind., to Cleveland, Ohio; and thence on or about December 2 and 9, 1935, to Chicago, Ill., of a quantity of tomato puree that was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 23, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$10 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

27165. Adulteration and misbranding of preserves. U. S. v. Goodwin Preserving Co. Plea of guilty. Fine, \$270 and costs. (F. & D. no. 38000. Sample nos. 29895-B, 29896-B, 49254-B, 49256-B, 49258-B, 49259-B, 56159-B, 56160-B, 56162-B.)

These products contained less fruit than preserves should contain. All contained added pectin and most of them contained excessive sugar, added acid, and excessive moisture.

On May 21, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Goodwin Preserving Co., a corporation, Louisville, Ky., alleging shipment by said company in violation of the Food and Drugs Act between the dates of September 7 and December 3, 1935, from the State of Kentucky into the States of Alabama, Oklahoma, and Ohio of

quantities of preserves that were adulterated and misbranded. The articles were labeled variously in part: "Alabama Maid Brand Pure Apple Peach [or "Strawberry"] Preserves * * * Distributed by Schloss & Kahn Grocery Co., Montgomery, Alabama"; "Pure Peach [or "Damson Plum", "Black Raspberry", or "Blackberry"] Preserves, Goodwin Preserving Co., Incorporated, Louisville, Ky."; "Tip-Toe Brand * * * Blackberry Preserves, * * * Distributed by the Janszen Company, Cincinnati, Ohio"; "Dot Dot's Good * * * Pure Damson Plum [or "Peach"] Preserves, * * * Distributed by Janszen Co., Cincinnati, Ohio."

The preserves were alleged to be adulterated in that excess sugar, acid, and pectin in the case of the apple and peach; sugar, acid, pectin, and water in the case of the strawberry, black raspberry, and portions of the damson plum, peach, and blackberry; and pectin, acid, and water in the case of portions of the blackberry, damson plum, and peach had been mixed and packed with the articles so as to reduce and lower and injuriously affect their quality. The articles were alleged to be adulterated further in that mixtures containing less fruit, and in most instances more sugar, than preserves should contain, had been substituted for pure preserves, which the articles purported to be and in that they had been mixed in a manner whereby their inferiority to preserves had been concealed.

They were alleged to be misbranded in that the statements, "Pure Apple Peach Preserves", "Pure Apple Strawberry Preserves", "Pure Peach Preserves", "Pure Damson Plum Preserves", "Pure Black Raspberry Preserves", "Pure Blackberry Preserves", "Blackberry Preserves", "Damson Plum Preserves", "Peach Preserves", borne on the labels affixed to the cans and jars containing the articles, were false and misleading and in that the said statements were borne on the cans and jars so as to deceive and mislead the purchaser since they represented that the articles consisted of the above-named preserves; whereas they consisted of substances resembling preserves but which contained less fruit than preserves should contain, all lots with the exception of the apple peach containing water which should have been removed by boiling, the deficiency in fruit having been concealed by added pectin, and in most lots, excessive sugar and added acid. The articles were alleged to be misbranded further in that they consisted of mixtures containing less fruit than preserves should contain; were prepared in imitation of pure preserves and were offered for sale and sold under the distinctive names of other articles, namely, preserves.

On March 17, 1937, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$270 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

27166. Adulteration of pickles. U. S. v. 7 Barrels of Pickles. Default decree of condemnation and destruction. (F. & D. no. 38302. Sample no. 5268-C.)

This product was filthy and decomposed.

On September 17, 1936, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven barrels of pickles at Waterloo, Iowa, alleging that they had been shipped in interstate commerce on or about July 15, 1936, by the Thles Pickle Co., from Pepin, Wis., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 3, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27167. Adulteration of canned salmon. U. S. v. 2,382 Cartons and 6,236 Cases of Canned Salmon. Portion of product exonerated and ordered released. Remainder condemned and ordered released under bond. (F. & D. nos. 38485, 38516. Sample nos. 23702-C, 23711-C, 29229-C, 29240-C.)

This product was in part decomposed.

On November 4 and November 9, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 8,618 cases and cartons of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 4 and

August 19, 1936, by Alaska Red Salmon Packers, Inc., from Carmel, Alaska, and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 11, 1937, Alaska Red Salmon Packers, Inc., having appeared as claimant, consent decree of condemnation was entered as to portions of said shipments, the remainder was ordered exonerated and released, and the condemned portion was ordered released under bond conditioned that it should not be disposed of in violation of the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

27168. Adulteration of apples. U. S. v. Shields Fruit Co., Inc. Plea of guilty. Fine, \$10. (F. & D. no. 38656. Sample no. 3031-C.)

This case involved apples that were contaminated with arsenic and lead.

On March 11, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Shields Fruit Co., Inc., Freewater, Ore., alleging shipment by said company on or about July 9, 1936, in violation of the Food and Drugs Act, from the State of Oregon into the State of California of a quantity of apples that were adulterated. The article was labeled in part: "Extra Fancy Winesap * * * Shields Fruit Co., Inc."

It was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, which might have rendered it injurious to health.

On April 7, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

27169. Adulteration of tomato pulp. U. S. v. Vallonia Canning Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. no. 38660. Sample no. 21497-C.)

This case involved tomato pulp that contained worm and insect fragments and evidence of tomato rot.

On April 21, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vallonia Canning Co., a corporation, Vallonia, Ind., alleging shipment by said company in violation of the Food and Drugs Act on or about November 9, 1936, from the State of Indiana into the State of Missouri of a quantity of tomato pulp that was adulterated.

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed vegetable substance.

On April 21, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

27170. Misbranding of canned tomatoes. U. S. v. Fettig Canning Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 38673. Sample nos. 5347-C, 33901-C.)

This product fell below the standard established by this Department for canned tomatoes, both lots consisting of tomatoes with puree from trimmings, one lot being substandard in the further respect that it did not consist of whole or large pieces. Neither lot was labeled to indicate that the article was substandard.

On April 20, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fettig Canning Corporation, Elwood, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 10 and October 17, 1936, from the State of Indiana into the States of Minnesota and Illinois of quantities of canned tomatoes that were misbranded. A portion of the article was labeled: "May-Flower Brand Tomatoes * * * Distributed by Marshall Canning Co. Marshalltown Iowa." The remainder was labeled: "Harvest Inn Brand Tomatoes Distributed by Marshall Food Product Co., Marshalltown, Iowa."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture and its package or label did not bear a plain and conspicuous statement

prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 8, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

27171. Adulteration of butter. U. S. v. 129 Pounds of Packing Stock Butter. Default decree of destruction. (F. & D. no. 38894. Sample nos. 30359-C, 30361-C.)

This product contained filth.

On December 16, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 129 pounds of packing stock butter at Kansas City, Mo., alleging that it had been shipped in interstate commerce on or about December 4, 1936, by B. F. Stewart from Cameron, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 3, 1937, no claimant having appeared, and the court having found the allegations of the libel to be true, judgment was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27172. Adulteration of canned tomato puree. U. S. v. The Sheridan Packing Co. Plea of guilty. Fine, \$25. (F. & D. no. 38662. Sample no. 12495-C.)

This case involved tomato puree that contained excessive mold.

On April 2, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sheridan Packing Co., a corporation, Sheridan, Ind., alleging shipment by said company in violation of the Food and Drugs Act on or about September 14, 1936, from Sheridan, Ind., into the State of Kentucky of a quantity of tomato puree that was adulterated. The article was labeled in part: "Sheridan Brand * * * Packed By Sheridan Packing Company Sheridan, Indiana, Tomato Puree."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 16, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

27173. Adulteration of canned shrimp. U. S. v. 63 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 38910. Sample no. 15936-C.)

This product was in part decomposed.

On January 5, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 cases of canned shrimp at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about September 26, 1936, by Camejo Trading Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Petit Rose Brand * * * Dry Pack Shrimp Packed for Camejo Trading Co., New Orleans, La., Lockport Packing Co., Lockport, La."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 18, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27174. Misbranding of canned tomatoes. U. S. v. 147 Cases and 14 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. & D. no. 38911. Sample nos. 26360-C, 26491-C.)

This product was labeled to give the impression that it was an Italian product, when it was of domestic origin. A portion was short in weight.

On January 7, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 161 cases of canned tomatoes at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 4 and 17, 1936, by Capolino Food Products Corporation from Merced, Calif., and charging misbranding in violation of the Food and Drugs Act. It was labeled variously in part: "Somma Brand, Net Contents 1 lb. 12 oz. [or "15 ozs. avoird."] Italian Peeled Tomatoes * * * Packed in California for Unico Distributing Co. New York."

It was alleged to be misbranded in that the statement "Italian Peeled Tomatoes Pomodoro Pelati Italiani", and the device on the label, of a picture of a monk and pear-shaped tomatoes conveyed the impression that it was an Italian product; whereas it was not an Italian product but was of domestic origin. A portion of the article was alleged to be misbranded further in that the statement "Net Contents 1 Lb. 12 Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package by reason of the fact that the quantity stated was not correct.

On April 7, 1937, the Unico Distributing Co., claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

27175. Adulteration of tomato paste. U. S. v. 60 Cases and 22 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. & D. nos. 38945, 38946. Sample nos. 15381-C, 15382-C.)

These cases involved canned tomato paste that contained excessive mold.

On January 13, 1937, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 82 cases of canned tomato paste at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce in part on or about October 8, 1936, and in part on or about November 19, 1936, by Stanley Packing Co., Inc., from Forestville, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Benito Brand with sweet basil tomato paste * * * Packed by Stanley Packing Co., Inc., Forestville, N. Y."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed vegetable substance.

On May 14, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27176. Misbranding of canned tomatoes. U. S. v. 178 Cases and 294 Cases of Canned Tomatoes. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 38960, 38978. Sample nos. 23874-C, 23875-C, 38960-C, 38978-C.)

This product fell below the standard established by this Department for canned tomatoes since it did not consist of whole or large pieces and a portion was not normally colored, and it was not labeled to indicate that it was substandard. The label of one lot was further objectionable since it represented that the goods were packed by a firm other than the real packer.

On or about January 20 and 22, 1937, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 472 cases of canned tomatoes at Tacoma, Wash., alleging that they had been shipped in interstate commerce on or about September 22, 1936, by Walter M. Field Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: (Can) "Bohemian Tomatoes with Puree from Trimmings Packed in California U. S. A. Packed and Guaranteed by Bayside Canning Company Alviso Santa Clara Co. California * * *." The remainder was labeled: "Brimfull Brand Tomatoes with puree from trimmings * * * Distributed by Kitchen Products Inc. Chicago, Buffalo, San Francisco."

One lot of the article was alleged to be misbranded in that the statements, (case) "Bayside Canning Co. Alviso Calif." and (can) "Packed and Guaranteed by Bayside Canning Company Alviso Santa Clara Co. California", were false and misleading and tended to deceive and mislead the purchaser in that

they represented that the Bayside Canning Co., Alviso, Calif., was the packer; whereas the Bayside Canning Co. did not operate during the tomato season in 1936 and the code marks on the shipment corresponded with those of the National Packing Co., Isleton, Calif. Both lots of the article were alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it did not consist of whole or large pieces and a portion was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On April 10, 1937, the National Packing Co. having appeared as claimant for both lots of the article, and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

27177. Adulteration of walnut meats. U. S. v. 296 Cartons of Walnut Meats. Decree of condemnation. Product ordered released under bond subject to segregation and destruction of unfit portion. (F. & D. no. 38979. Sample nos. 20209-C, 20210-C.)

This case involved walnut meats that were partially moldy, rancid, and insect-infested.

On January 20, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 296 cartons of walnut meats at Boston, Mass., alleging that they had been shipped in interstate commerce on or about December 4, 1936, by the Whittier Walnut Packing Co., from Whittier, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On March 8, 1937, the Whittier Walnut Packing Co. having appeared as claimant, and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond subject to segregation and destruction of that portion of shipment unfit for human consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

27178. Adulteration of canned pimientos. U. S. v. 25 Cases of Canned Pimientos. Default decree of destruction. (F. & D. no. 38981. Sample no. 22526-C.)

This product was underprocessed and in part decomposed.

On or about February 5, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned pimientos at Marianna, Fla., consigned by the Cherokee Products Co., alleging that they had been shipped in interstate commerce on or about October 13, 1936, from Bradley, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "O-Sage Brand Pimientos * * * Packed by Cherokee Products Co., Bradley, Ga."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 3, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27179. Misbranding of canned pork and beans. U. S. v. 72 Cases and 33 Cases of Pork and Beans. Default decree of condemnation. Product ordered delivered to a charitable institution or destroyed. (F. & D. no. 38982. Sample no. 28193-C.)

This product was represented on the label as containing a generous amount of pork. Examination showed that it contained little or no pork and that it was also short weight.

On January 22, 1937, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 cases of canned pork and beans at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about April 29, 1936, by Delray Corporation from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs

Act as amended. It was labeled in part: "Giffi Say 'Jiffy' Pork and Beans Net Weight 1 Lb. [or "Net Contents 1 Lb. 15 Oz.]" * * * cooked in a delicious Tomato Sauce and a generous quantity of pork. Packed and guaranteed by Giffi Foods Corporation San Francisco, California U. S. A."

The article was alleged to be misbranded in that the following statements and design borne on the label were false and misleading and tended to deceive and mislead the purchaser: "Net Weight 1 Lb. [or "Net Contents 1 Lb. 15 Oz.]" * * * a generous quantity of pork. Pork and Beans [design of a dish of beans with a substantial amount of pork]." The article was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On April 20, 1937, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be delivered to such public or health institution as might apply for it, or in the event of no such application, that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27180. Adulteration of canned shrimp. U. S. v. 340 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 38983. Sample nos. 21607-C to 21613-C, incl.)

This case involved a consignment of shrimp for export that was decomposed and packed in slack-filled containers.

On January 19, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 340 cases of canned shrimp at New Orleans, La., alleging that the article had been delivered to a common carrier on or about January 6, January 11, January 14, and January 16, 1937, by H. T. Cottam & Co., Inc., of New Orleans, La., for export to Venezuela, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cans were labeled in part: "Barataria Brand Shrimp Packed For Export Only * * * Packed For H T Cottam & Co. Inc., New Orleans."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

It was alleged to be misbranded in that it was canned goods and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food and its package or label did not bear a plain or conspicuous statement indicating that it fell below the prescribed standard.

On May 14, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27181. Adulteration of canned shrimp. U. S. v. 50 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 38999. Sample nos. 6697-C, 6698-C.)

This product was partially decomposed.

On January 25, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned shrimp at New Orleans, La., alleging that on or about January 21, 1937, C. D. Hoy, New Orleans, La., delivered the product to a common carrier for export to Panama, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Barataria Shrimp * * * Q. & S. Brand Packed Expressly for and guaranteed by Quong Sun Co. Inc., New Orleans, La."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 14, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27182. Misbranding of cane sirup. U. S. v. 12 Cases of Sirup. Default decree of condemnation and destruction. (F. & D. no. 39010. Sample no. 13806-C.)

This case involved cane sirup that was short in volume.

On January 28, 1937, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 12 cases of sirup at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about December 13, 1936, by Evangeline Pepper & Food Products, from St. Martinville, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Country Made—Fancy Quality Pure Ribbon Cane Syrup * * * Evangeline Pepper and Food Products, St. Martinville, La., * * * 3 qts. 6 fl. ozs."

It was alleged to be misbranded in that the statement "3 qts. 6 fl. ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in volume; and said article was further alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 19, 1937, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27183. Misbranding of sorghum-flavored sirup. U. S. v. 11 Cases of Sorghum-Flavored Sirup. Default decree of condemnation and destruction. (F. & D. no. 39052. Sample no. 13808-C.)

This product was short weight.

On February 6, 1937, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of sorghum-flavored sirup at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about September 14, 1936, by Penick & Ford, Ltd., Inc., from Harvey, La., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Unkle Ned Sorghum flavored syrup Net Weight 5 pounds * * * Penick & Ford, Ltd., Inc., New Orleans, La. & Cedar Rapids, Ia."

It was alleged to be misbranded in that the statement "Net Weight 5 Pounds" was false and misleading and tended to deceive and mislead the purchaser, and that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On May 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27184. Adulteration and misbranding of tomato paste. U. S. v. 28 Cases of Canned Tomato Paste. Default decree of forfeiture and destruction. (F. & D. no. 39058. Sample no. 12284-C.)

This product contained excessive mold, and no basil leaf as represented on the label.

On February 6, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cases of canned tomato paste at Springfield, Mass., alleging that it had been shipped in interstate commerce on or about December 7, 1936, by Cuyler Food Products Co., from Canandaigua, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Chapin Brand * * * Pure Tomato Paste * * * Distributed by Chapin Grocery Specialties Co. Inc. Springfield, Mass. Packed with basil leaf."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

It was alleged to be misbranded in that the statement "Packed with basil leaf" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained no basil leaf.

On March 19, 1937, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27185. Misbranding of canned cherries. U. S. v. 54 Cases and 332 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39084. Sample no. 19448-C.)

This product was substandard because of the presence of an excessive number of pits, and it was not labeled to indicate that it was substandard.

On February 17, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 386 cases of canned cherries at Scottsbluff, Nebr., alleging that they had been shipped in interstate commerce on or about October 6, 1936, by the Delta Canning Co., from Delta, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Town Talk Water Pack R. S. P. Cherries Contents * * * Packed for The Stone-Hall Co. Denver, Colo."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since more than one cherry pit per 10 ounces of net contents was present, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On April 3, 1937, the Delta County Canning Co. having appeared as claimant and having consented to the entry of the decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

27186. Adulteration of almonds. U. S. v. 20 Bags of Almonds. Consent decree of condemnation. Product released under bond for salvaging. (F. & D. no. 39097. Sample nos. 14184-C, 25568-C.)

This product was in part worm-eaten and moldy.

On February 18, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bags of almonds at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 25, 1936, by Bashaw & Co. from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Tip Top Brand California Almonds Bashaw Co. Packers San Francisco."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On April 21, 1937, Bashaw & Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be salvaged.

M. L. WILSON, *Acting Secretary of Agriculture.*

27187. Adulteration of canned prunes. U. S. v. 136½ Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. no. 39136. Sample no. 31135-C.)

These prunes were partially decomposed.

On February 26, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 136½ cases of canned prunes at Denver, Colo., consigned by Paulus Bros. Packing Co., alleging that the article had been shipped in interstate commerce on or about October 3, 1936, from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Cans) "Jordan Brand Water Packed Italian Prunes * * * Packed for The J. S. Brown Mercantile Co."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 1, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27188. Adulteration of tomato catsup. U. S. v. 25 Cases and 50 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 39147, 39212. Sample nos. 10487-C, 40961-C.)

This product contained filth resulting from worm infestation.

On March 1 and March 16, 1937, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 75 cases of tomato catsup at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about February 17 and 27, 1937, by Parrot & Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Bottle) "California Club Brand Pure Tomato Catsup Kern Food Products, Inc., Los Angeles, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 3 and June 11, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

27189. Adulteration of tomato sauce. U. S. v. 169 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. & D. no. 39148. Sample no. 18921-C.)

This case involved a shipment of tomato sauce that contained filth resulting from worm infestation.

On February 27, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 169 cases of tomato sauce at St. Louis, Mo., alleging that it had been shipped in interstate commerce on or about January 9, 1937, by Val Vita Food Products, Inc., from Fullerton, Calif., charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Val Vita Brand Tomato Sauce, Packed by Val Vita Food Products, Inc., Fullerton, California, USA"; (can) "Tom-Boy Quality Foods * * * Spanish Style Tomato Sauce Distributed by Tom Boy Quality Food Stores, St. Louis, Missouri."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 10, 1937, no claimant having appeared, judgment of condemnation was entered and on April 23, 1937, supplemental decree was entered ordering that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

27190. Misbranding of canned peaches. U. S. v. 102 Cases of Canned Peaches. Default decree of condemnation and destruction. (F. & D. no. 39163. Sample no. 31396-C.)

This product was substandard because it consisted of excessively ragged, broken, and trimmed pieces, and because the liquid portion was deficient in sugar.

On or about March 3, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 102 cases of canned peaches at Indianapolis, Ind., alleging that they had been shipped in interstate commerce on or about September 23, 1936, by Balfour, Guthrie & Co., Ltd., from East Stockton, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Stencil on cases) "6/10 Pre. Heated S. P. Pie Y. C. Peaches."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the liquid portion read less than 14° Brix, and the fruit consisted of excessively ragged, broken, and trimmed pieces, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 15, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

27191. Misbranding of canned tomatoes. U. S. v. 192 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39181. Sample no. 32678-C.)

This product fell below the standard for canned tomatoes established by this Department since it did not consist of whole or large pieces, and it was not labeled to indicate that it was substandard.

On March 5, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 192 cases of canned tomatoes at Walla Walla, Wash., alleging that they had been shipped in interstate commerce on or about January 16 and January 29, 1937, by Wadhams & Co., from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Blue and White Brand Tomatoes with Puree from Trimmings Red and White Corp'n Distributors Chicago Ill Buffalo NY San Francisco Cal."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it did not consist of whole or large pieces and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On April 2, 1937, Wadhams & Co., Portland, Oreg., and the Interior Grocery Co., Walla Walla, Wash. having appeared as claimants and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

27192. Misbranding of canned salmon. U. S. v. 21 Cartons of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 39182. Sample no. 32816-C.)

This product was labeled Select red salmon, but consisted of coho salmon, soft in texture, pale in color, and containing very little oil.

On March 5, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cartons of canned salmon at Portland, Oreg., alleging that it had been shipped in interstate commerce on or about January 27, 1937, by Whitney & Co., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Red Rambler * * * Select Salmon Natural Red Color and Oil * * * Packed * * * for Whitney & Company Seattle."

It was alleged to be misbranded in that the word "Red" in the name "Red Rambler" and the statement "Select Salmon Natural Red Color and Oil" were false and misleading and tended to deceive and mislead the purchaser when applied to coho salmon of poor quality, pale in color, and having little or no oil.

On April 15, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27193. Adulteration and misbranding of canned peas. U. S. v. 514 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 39185. Sample no. 32679-C.)

This case involved canned peas that were weevil-infested. They were labeled "Garden Run" peas, whereas they were peas of the largest size.

On March 5, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 514 cases of canned peas at Walla Walla, Wash., alleging that they had been shipped in interstate commerce on or about September 30, 1936, by Ray-Maling Co., Inc., from Hillsboro, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Raycroft Garden Run Sweet Peas * * * Distributed by Ray-Maling Company, Inc. Hillsboro, Oregon."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

It was alleged to be misbranded in that the statement "Garden Run", borne on the can label, was false and misleading and tended to deceive and mislead the purchaser, since the peas were not garden run, but were peas of the largest size.

On April 1, 1937, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27194. Adulteration of canned turnip greens. U. S. v. 93 Cases of Canned Turnip Greens. Default decree of destruction. (F. & D. no. 39198. Sample no. 16247-C.)

This case involved turnip greens that contained worms.

On March 24, 1937, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 93 cases of canned turnip greens at Augusta, Ga., alleging that they had been shipped in interstate commerce on or about November 13, 1936, by Land o' The Sky Mutual

Association, Inc., from Waynesville, N. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans). "Southern Skyland Brand * * * Standard Turnip Greens Packed By Members of the Land o' The Sky Mutual Association, Inc. Sales Office Waynesville, North Carolina."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 14, 1937, no claimant having appeared, judgment by default was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27195. Adulteration of tomato catsup. U. S. v. 75 Cases of Canned Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 39221. Sample no. 21625-C.)

This case involved canned tomato catsup that contained filth resulting from worm infestation.

On March 16, 1937, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of canned tomato catsup at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about October 15, 1936, from Wilmington, Calif., by Coast Fishing Co., Inc., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Topco Brand Tomato Catsup * * * Packed by Tomato Packing Corp., Harbor City, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 6, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27196. Adulteration of tomato catsup. U. S. v. 156 Cases, et al., of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 39030, 39139, 39186, 39230. Sample nos. 9940-C, 10324-C, 17932-C, 30396-C.)

These cases involved tomato catsup that contained filth resulting from worm infestation.

On February 1, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 156 cases of tomato catsup at Kansas City, Mo. On March 9 and 19, 1937, libels were filed against 50 cases of the product at New Orleans, La., 17 cases at Tuscon, Ariz., and 384 cases at New York, N. Y. The libels alleged that the article had been shipped in interstate commerce by Val Vita Food Products, Inc., in part on or about November 7, 1936, and January 27 and February 4, 1937, from Fullerton, Calif., and in part on or about February 15, 1937, from Terminal Island, Calif., and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "Val Vita Brand Tomato Catsup * * * Val Vita Food Products, Inc. * * * Fullerton California." The remainder was labeled: "Val Vita Brand Tomato Catsup * * * Orange County Cannery Inc."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 1, 14, and 23 and May 3, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27197. Misbranding of canned cherries. U. S. v. 200 Cartons of Canned Pitted Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39240. Sample no. 36035-C.)

This product fell below the standard established by this Department for canned pitted cherries, because of the presence of an excessive number of pits; and it was not labeled to indicate that it was substandard.

On March 19, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cartons of canned cherries at San Francisco, Calif., alleging that they had been shipped in interstate commerce on or about February 27, 1937, from Seattle, Wash., by Washington Packers, Inc., and charging misbranding in violation of the Food and

Drugs Act as amended. The article was labeled in part: "Distributed by Smith, Lynden & Co., San Francisco * * * Extra Value Water Packed Red Sour Pitted Cherries."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since more than 1 cherry pit per 10 ounces of net contents was present; and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 7, 1937, F. B. Smith, J. R. Lynden, and F. A. Smith, trading as Smith, Lynden & Co., having appeared as claimants and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

27198. Adulteration of canned salmon. U. S. v. 402 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond conditioned that bad portion be destroyed and good portion relabeled. (F. & D. no. 39255. Sample nos. 13896-C, 13899-C, 21636-C.)

This case involved canned salmon that was in part decomposed.

On March 23, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 402 cases of canned salmon at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 8, 1936, from Seattle, Wash., by Munro Gavin Co., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Vacuum Packed M. G. Brand Alaska Pink Salmon * * * Packed for Munro Gavin Co., Seattle."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 29, 1937, A. S. Day trading as North Pacific Sea Foods Co., Valdez, Alaska, having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the bad portion be destroyed and the good portion relabeled "Reprocessed."

M. L. WILSON, *Acting Secretary of Agriculture.*

27199. Adulteration of canned huckleberries. U. S. v. 18 Cases of Canned Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 39246. Sample no. 32700-C.)

This product was worm-infested.

On March 20, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of canned huckleberries at Long Beach, Calif., alleging that they had been shipped in interstate commerce on or about February 27, 1937, from Tacoma, Wash., by Fassett & Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Plaza Brand Huckleberries. Packed by Fassett & Company, Tacoma, Wash."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 14, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27200. Adulteration of canned salmon. U. S. v. 198 Cases of Salmon. Default decree of condemnation and destruction. (F. & D. no. 39256. Sample no. 16305-C.)

This product was in whole or in part decomposed.

On March 23, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 cases of canned salmon at Fort McPherson, Ga., alleging that the article had been shipped in interstate commerce on or about March 2, 1937, by Schloss & Kahn Grocery Co., from Montgomery, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Pennant Brand Alaska Red Sockeye Salmon Packed By Northwestern Fisheries Co. Seattle * * * Packed in Alaska."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 17, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27201. Adulteration of canned cherries. U. S. v. 55 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. & D. no. 39258. Sample no. 24187-C.)

Examination of these cherries showed the presence of decomposition.

On March 23, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 cases of canned cherries at Lewiston, Idaho, alleging that they had been shipped in interstate commerce on or about June 30, 1936, from Clarkston, Wash., by F. W. Dustan & Son, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W-I Washington Idaho Brand Water Grade Royal Ann Cherries * * * Below U. S. Standard Good Food but not High Grade Packed by F. W. Dustan & Son, Clarkston, Washington."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 28, 1937, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27202. Misbranding of canned cherries. U. S. v. 140 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39269. Sample no. 32709-C.)

This product fell below the standard established by this Department for canned cherries, because it was packed in water and it was not labeled to indicate that it was substandard.

On April 15, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended April 17, 1937) praying seizure and condemnation of 140 cases of canned cherries at New Orleans, La., alleging that they had been shipped in interstate commerce on or about March 11, 1937, by Hunt Bros. Packing Co., from Tacoma, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Premio Brand * * * Pitted Sour Red Cherries Packed by Hunt Brothers Packing Company San Francisco, Calif."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the cherries were packed in water and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On April 28, 1937, Hunt Bros. Packing Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered with the proviso that the product be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

27203. Adulteration of frozen whittings. U. S. v. 225 Cases and 120 Cases of Frozen, Headless, and Dressed Whittings. Consent decree of condemnation and destruction. (F. & D. nos. 39277, 39278. Sample nos. 41421-C, 41422-C.)

This case involved a shipment of fish that was in part decomposed.

On March 25, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 345 cases of frozen whittings at Topeka, Kans., alleging that the article had been shipped in interstate commerce on or about February 21, 1937, by Slade Gorton Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 21, 1937, Slade Gorton Co. having appeared as claimant, a consent decree of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27204. Adulteration of butter. U. S. v. 15 Tubs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 39290. Sample no. 20543-C.)

This case involved a shipment of butter that was deficient in milk fat.

On March 15, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 tubs of butter at Boston, Mass., alleging that it had been shipped by the Mohican Co., from Haverhill, Mass., that it was en route to New York, N. Y., and that it was adulterated in violation of the Food and Drugs Act. The consignment was a rejected lot which was delivered for shipment on March 11, 1937, by the Mohican Co., for return to the original shipper. The article was labeled in part: "To Zimmer & Dunkak, Duane St., N. Y. * * * The Mohican Co., Haverhill, Mass."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product that should contain not less than 80 percent by weight of milk fat.

On March 31, 1937, Zimmer & Dunkak, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under cash bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

27205. Adulteration of frozen whitefish. U. S. v. 70 Boxes and 70 Boxes of Whitefish. Consent decrees of condemnation with provision for release under bond subject to reshipment to country of origin. (F. & D. nos. 39291, 39292. Sample nos. 26597-C to 26600-C, incl.)

These cases involved imports of whitefish that was worm-infested.

On March 16, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 140 boxes of whitefish at New York, N. Y., alleging that the article had been shipped on or about March 5 and March 9, 1937, by A. Straker from Montreal, Canada, into the State of New York and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Product of Canada The Waite Fisheries Big River Sask. Canada."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance, and in that it consisted of portions of animals unfit for food.

On April 15, 1937, Abraham Straker, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered; and it was ordered that the product be released under bond conditioned that it be reshipped to country of origin and further conditioned that if it be refused admission to Canada, it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27206. Adulteration of canned tomato soup. U. S. v. 82 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. & D. no. 39295. Sample no. 33103-C.)

This case involved a shipment of tomato soup that contained worm debris and excessive mold.

On March 29, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 82 cases of canned tomato soup at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about January 23, 1937, by the Pacific Northwest Canning Co., from Hayward, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Val Vita Brand Tomato Soup * * * Packed by Val Vita Food Products Inc., Fullerton, California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 28, 1937, no claimant appearing judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27207. Adulteration of frozen huckleberries. U. S. v. 21 Boxes of Frozen Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 39296. Sample no. 29580-C.)

This case involved frozen huckleberries that contained worms.

On March 31, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 boxes of frozen huckleberries at Portland, Oreg., alleging that they had been shipped in interstate commerce on or about March 9, 1937, by the R. D. Bodle Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Process Huckleberries R. D. Bodle Co., Seattle."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 11, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27208. Adulteration of butter. U. S. v. 12 Tubs and 4 Tubs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 39315. Sample no. 18800-C.)

This butter was deficient in milk fat.

On March 18, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 tubs of butter at National Stock Yards, Ill., alleging that it had been shipped in interstate commerce on or about July 1, 1936, by the Sugar Creek Creamery Co., from Thayer, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was a product containing less than 80 percent by weight of milk fat that had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On April 27, 1937, the Sugar Creek Creamery Co., having appeared as claimant, and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contained not less than 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

27209. Adulteration of butter. U. S. v. 26 Tubs of Butter. Decree ordering product released under bond. (F. & D. no. 39316. Sample no. 18880-C.)

This product was deficient in milk fat.

On March 18, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 tubs of butter at St. Louis, Mo., alleging that it had been shipped in interstate commerce on or about June 29, 1936, by O. G. Harp from Shawnee, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should not contain less than 80 percent of milk fat as provided by act of Congress of March 4, 1923.

On April 3, 1937, Tom J. May having appeared as claimant, judgment was entered ordering that the product be released under bond conditioned that it be brought up to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

27210. Adulteration of shell eggs. U. S. v. 43 Cases of Shell Eggs. Default decree of condemnation and destruction. (F. & D. nos. 39317, 39320, 39321. Sample nos. 18881-C, 35252-C, 35253-C.)

This product was in part decomposed.

On March 22, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cases of shell eggs at St. Louis, Mo., alleging that 6 cases of the article had been shipped on or about March 16, 1937, by the Goemer Hatchery from Zenda, Kans.; that 25 cases had been shipped on or about March 16, 1937, by the Hayes Hatchery from Decatur, Ill.; and that 12 cases had been shipped on or about March 17, 1937, by the Hayes Hatchery from Centralia, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 27, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27211. Adulteration and misbranding of frozen egg yolks. U. S. v. 57 Cans of Frozen Egg Yolks. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 39327. Sample no. 32030-C.)

This product was represented to consist of egg yolks and salt, but in fact it consisted of a mixture of egg yolks, egg white, and salt.

On April 5, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 cans of frozen egg yolks at Baltimore, Md., alleging that they had been shipped in interstate commerce on or about May 29, 1936, by the Ovson Egg Co. from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Embossed on cans) "Ovson Standard Selected Fresh Eggs * * * A product of National Dairy"; (stenciled on covers) "Ovson Egg Company Chicago * * * Salt Yolk."

It was alleged to be adulterated in that a mixture of egg yolks, egg white, and salt had been substituted in whole or in part for egg yolks and salt, which it purported to be.

It was alleged to be misbranded in that the term "Salt Yolk" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing egg white, egg yolk, and salt.

On April 30, 1937, the Ovson Egg Co. having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

27212. Adulteration of tomato catsup. U. S. v. 38 Cases and 21 Cases of Canned Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 39343, 39344. Sample no. 17932-C.)

This case involved canned tomato catsup that contained filth.

On April 8, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 59 cases of tomato catsup at Newark, N. J., alleging that it had been shipped in interstate commerce on or about March 5 and March 10, 1937, by Philip Barr & Co. from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Val Vita Brand Tomato Catsup * * * Orange County Canners Inc. Fullerton California U. S. A."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 7, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27213. Misbranding of canned salmon. U. S. v. 29 Cartons of Canned Salmon. Default decree of forfeiture and destruction. (F. & D. no. 39352. Sample no. 33131-C.)

This case involved low-grade water-marked pink salmon that was labeled Fancy pink salmon.

On April 9, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cartons of canned salmon at Moscow, Idaho, alleging that it had been shipped in interstate commerce on or about November 12, 1936, from Portland, Oreg., by Mason, Ehrman & Co., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Silvalaska Brand Fancy Pink Salmon Packed for Independent Grocers Alliance Distributing Co., Chicago, New York, San Francisco."

It was alleged to be misbranded in that the statement "Fancy Pink Salmon" was false and misleading and tended to deceive and mislead the purchaser when applied to salmon that was low grade and water-marked.

On May 10, 1937, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27214. Misbranding and alleged adulteration of tomato puree. U. S. v. 30 Cases of Canned Tomato Puree. Decree of condemnation with provision for release under bond for relabeling. (F. & D. no. 39356. Sample no. 34534-C.)

This product was deficient in tomato solids.

On April 22, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of canned tomato puree at Pensacola, Fla., alleging that the article had been shipped in interstate commerce on or about June 27, 1936, by Angelo Gloriosio from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Eagle Brand Tomato Puree Color added * * * Packed by A. Gloriosio New Orleans, La."

It was alleged to be adulterated in that a substance deficient in tomato solids had been substituted for tomato puree, which it purported to be.

It was alleged to be misbranded in that the statement "Tomato Puree" appearing on the label was false and misleading and tended to deceive and mislead the purchaser, since the article was deficient in tomato solids and was not tomato puree.

On May 7, 1937, Angelo Gloriosio having appeared as claimant and having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be condemned. The decree provided that the product be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

27215. Misbranding of honey. U. S. v. 66 Cases of Honey. Consent decree entered. Product ordered released under bond to be relabeled. (F. & D. no. 39434. Sample no. 24172-C.)

This case involved honey in pails that was short in weight.

On April 24, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 cases of honey at Lewiston, Idaho, alleging that it had been shipped in interstate commerce on or about March 4, 1937, by the S. D. Smith Honey Co. from College Place, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pure Honey Natures Own Sweet * * * Net Weight Five Lbs. S. D. Smith Honey Co. College Place, Washington."

It was alleged to be misbranded in that the statement "Net Weight Five Lbs." was false and misleading and tended to deceive and mislead the purchaser when applied to a product that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On May 13, 1937, the S. D. Smith Honey Co. having appeared as claimant and having consented to the entry of a decree, judgment was entered ordering that the product be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

27216. Adulteration of rock lobster. U. S. v. 375 Cans of Lobster. Default decree of condemnation and destruction. (F. & D. no. 39411. Sample no. 22790-C.)

This case involved rock lobster that was filthy.

On March 30, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 375 cans of rock lobster at Philadelphia, Pa., alleging that it had been shipped in interstate commerce on or about March 27, 1937, by East Coast Fisheries from Miami, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On April 20, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27217. Misbranding of apples. U. S. v. 450 Bushels of Apples. Decree of condemnation and forfeiture. Product released under bond. Good portion relabeled; unfit portion destroyed. (F. & D. no. 39377. Sample no. 43528-C.)

These apples were below the grade indicated on the label.

On April 14, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 450 bushels of apples at Milwaukee, Wis., alleging that they had been shipped in interstate commerce on or about April 6, 1937, by the Taylor Produce Co., from Kalamazoo, Mich., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. No. 1 Minimum 2½ Inches."

It was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to apples that were below U. S. Grade No. 1.

On April 19, 1937, H. Rubenstein & Co., Milwaukee, Wis., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled. On April 28, 1937, 83 bushels of the product having been culled out as decomposed and otherwise unfit and the good portion having been properly relabeled, a supplemental decree was entered ordering the destruction of the culls.

M. L. WILSON, *Acting Secretary of Agriculture.*

27218. Misbranding of canned peaches. U. S. v. 63 Cases of Peaches. Product released under bond to be relabeled. (F. & D. no. 39376. Sample no. 33101-C.)

These peaches were packed in water and were not labeled to indicate that they were substandard.

On April 13, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 cases of canned peaches at Lewiston, Idaho, alleging that they had been shipped in interstate commerce on or about December 2, 1936, by the Liberty Orchards Co., from Cashmere, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Trinity Brand * * * Freestone Peaches. Both the Syrup and the Fruit have the Exquisite Aroma and the Delicious Taste and Flavor of Real Peaches. * * * Packed By Liberty Orchards Co. Cashmere, Wash."

It was alleged to be misbranded in that the statement, "Both the Syrup and the Fruit have the Exquisite Aroma and the Delicious Taste and Flavor of Real Peaches", was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was packed in water; and in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it was packed in water and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 13, 1937, the Liberty Orchards Co. having appeared as claimant and having consented to the entry of a decree, judgment was entered ordering that the product be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

27219. Adulteration of seedless raisins. U. S. v. 44 Cartons of Raisins. Default decree of forfeiture and destruction. (F. & D. no. 39373. Sample no. 20462-C.)

This case involved raisins that contained hydrocyanic acid in an amount which might have rendered them injurious to health.

On April 13, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 cartons of raisins at Pittsfield, Mass., alleging that they had been shipped in interstate commerce on or about March 20, 1937, by the Edward H. Rickles Co., from Albany, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sun-Maid Midget Thompson Seedless Raisins * * * Sun-Maid Raisin Growers of California Main Office Fresno California."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health.

On May 10, 1937, no claimant having appeared, a decree of forfeiture was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27220. Adulteration of raisins. U. S. v. 19 Boxes of Raisins. Default decree of condemnation and destruction. (F. & D. no. 39361. Sample no. 31986-C.)

This product was insect-infested and dirty.

On April 10, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 boxes of raisins at Washington, D. C., alleging that they had been shipped in interstate commerce on or about October 22, 1936, by the California Prune & Apricot Growers Association from San Jose, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Package) "California's Finest Muscat Raisins, Sunny View Fruits Brand Packed by Sunny View Packing Co. Fresno, Calif."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On May 17, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27221. Adulteration of crab meat. U. S. v. 1 Barrel and 1 Barrel of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 39412, 39414. Sample nos. 22826-C, 22827-C, 22848-C, 22849-C.)

These cases involved crab meat that contained filth.

On or about April 13 and 16, 1937, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two barrels of crab meat at Baltimore, Md., alleging that it had been shipped in interstate commerce on or about April 10 and 14, 1937, by H. Cole from Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From H. Cole. Jacksonville, Fla."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 20, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27222. Adulteration of crab meat. U. S. v. 1 Barrel and 1 Barrel of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 39523, 39527. Sample nos. 22853-C, 22865-C.)

These cases involved crab meat that contained filth.

On April 17 and 20, 1937, the United States attorneys for the Southern District of New York and the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of one barrel of crab meat at New York, N. Y., and one barrel of crab meat at Baltimore, Md., alleging that it had been shipped in interstate commerce on or about April 14, 1937, by J. R. Middleton from Sebastian, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On April 29 and May 24, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27223. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat (and 6 other seizure actions). Default decrees of condemnation and destruction. (F. & D. nos. 39416, 39524, 39525, 39528, 39529, 39530, 39537. Sample nos. 22856-C, 22857-C, 22859-C, 22866-C to 22869-C, incl.)

These cases involved crab meat that contained filth.

On April 16 and 20, 1937, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 118 pound cans and 3 barrels of crab meat at Baltimore, Md. On April 20 and 21, 1937, libels were filed against three barrels of crab meat at New York, N. Y. The libels alleged that the article had been shipped in interstate commerce between the dates of April 14 and 19, 1937, by the Florida Crab Co., in part from Cocoa, Fla., and in part from Jacksonville, Fla., and charged adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 1, 20, and 24, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27224. Adulteration of crab meat. U. S. v. 1 Tub of Crab Meat. Consent decree of condemnation and destruction. (F. & D. no. 39578. Sample no. 34920-C.)

This case involved crab meat that contained filth.

On May 10, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tub of canned crab meat at Atlanta, Ga., alleging that it had been shipped in interstate commerce on or about May 5, 1937, by Reuthers Seafood Co., New Orleans, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On May 12, 1937, the claimant having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27225. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat (and 3 other seizure actions). Default decrees of condemnation and destruction. (F. & D. nos. 39536, 39538, 39544, 39545. Sample nos. 22858-C, 22863-C, 22864-C, 22870-C.)

This crab meat contained filth.

On April 19, 20, and 21, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of four barrels of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 15, 17, and 19, 1937, by Indian River Crab Co., of City Point, Fla. (one shipment in the name of H. Williams, trading as Indian River Crab Co.) from Cocoa, Fla., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 1, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

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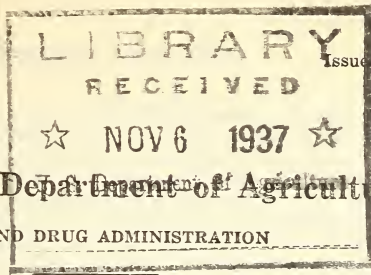
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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27226-27275

[Approved by the Secretary of Agriculture, Washington, D. C., September 7, 1937]

27226. Misbranding of Anogen. U. S. v. 33 Packages of Anogen. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37742. Sample no. 68327-B.)

The labeling of this article bore false and fraudulent representations regarding its curative or therapeutic effects.

On May 19, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 packages of Anogen at Cincinnati, Ohio, alleging that it had been shipped in interstate commerce on or about February 28, 1936, by Anogen, Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of furfural.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, borne on the bottle label and carton and contained in a circular enclosed in the carton, were false and fraudulent: (Bottle, carton, and circular) "For Delayed Menstruation"; (circular) "Delayed menstrual periods are a source of worry and in many instances may be the cause of general ill health to women. Delayed periods are frequently caused by common colds, influenza, wet feet, prolonged chilling, cold water drenching, exhaustion, nervous strain or shock. Anogen, a recent discovery, is a preparation for delayed menstruation. 'Anogen' is * * * efficacious. This has been proven by experiment and tests made under the supervision of recognized physicians and chemists. * * * If results are not obtained during first day, follow same directions the second day * * * and if necessary, the third day."

On March 30, 1937, Anogen, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

H. A. WALLACE, *Secretary of Agriculture.*

27227. Misbranding of Synex. U. S. v. William G. Snell. Plea of guilty. Fine, \$25. (F. & D. no. 38030. Sample nos. 22538-B, 22539-B, 54697-B, 60646-B, 62381-B, 62382-B, 62442-B, 62448-B, 62463-B, 64376-B.)

Enclosed in each carton containing a bottle of Synex was a mechanical device, labeled "Syn-O-Scope", for use in the administration or application of the article. A leaflet also enclosed in the carton contained false and fraudulent curative or therapeutic claims.

On January 28, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William G. Snell, president of the Syn-O-Scope Laboratories, Chicago, Ill., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 23, 1935, January 9, 18, and 29, and February 4 and 19, 1936, from the State of Illinois into the States of New York, Utah, Texas, Georgia, and Louisiana of quantities of Synex that was misbranded.

Analysis of the article showed that it consisted essentially of volatile oils including oil of eucalyptus, menthol, and camphor, and alcohol and water.

The leaflet enclosed in the carton contained the following statements: "Synex Alcoholic Content 20% For Use in Syn-O-Scope Made in U. S. A. Synex the medicament sold with and recommended for use in Syn-O-Scope. This new method of application brought with it a need for an entirely new compounding of medicines designed for head treatment. The result was Synex—made exclusively for Syn-O-Scope under a formula which permits it to volatilize with the heat of the breath. Synex—in liquid form—need not and should not reach the head passages. It is the vapor which does the work, thus eliminating overflow and other undesirable features of ordinary application. Here, then, we have two new principles for the treatment of head disorders: First—a medicament that is vaporized by a warm air current (the breath); Second—a new and novel application (forced breathing) which sends the soothing vapor to the innermost recesses of the head passages. In order that the most effective vaporizing results may be had, Synex should be used in Syn-O-Scope. In the absence of Synex, however, other safe medicaments may be used until a fresh supply of Synex is obtained. The principal thing is to place the medicament—whatever it is—where needed, and at the right body temperature. This is done with Syn-O-Scope, and is best done when Synex, also, is used."

It was alleged to be misbranded in that the statements regarding its curative and therapeutic effects, contained in the printed leaflet, falsely and fraudulently represented that it would be effective as a cure or remedy for affections of the sinuses, catarrh, hay fever, nasal irritations, congestions, ailments, and disorders.

On March 31, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$25.

H. A. WALLACE, *Secretary of Agriculture.*

27228. Misbranding of Togstad's Dip and Disinfectant. U. S. v. Mrs. Vera P. Togstad (The C. I. Togstad Co.). Plea of guilty. Fine, \$10. (F. & D. no. 38037. Sample no. 62303-B.)

The labeling of this product bore false and fraudulent curative or therapeutic claims.

On December 2, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Vera P. Togstad, trading as the C. I. Togstad Co., Kokomo, Ind., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 14, 1936, from the State of Indiana into the State of Texas, of a quantity of Togstad's Dip and Disinfectant that was misbranded.

Analysis showed that the article consisted of soap, water, coal-tar neutral oils, and phenols.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the can labels, falsely and fraudulently represented that it was effective as a preventive of disease and sores of all kinds; effective as a treatment, remedy, and cure for eczema from external causes, eczema of external origin, many skin diseases, and contagious abortion; and effective as a preventive of cholera or swine plague.

The information charged that the article also was misbranded in violation of the Insecticide Act of 1910 and the Federal Caustic Poison Act, reported in notice of judgment no. 1536 published under the former act, and notice of judgment no. 59 published under the latter act.

On January 9, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$10 on all charges.

H. A. WALLACE, *Secretary of Agriculture.*

27229. Adulteration and misbranding of mouthwash. U. S. v. Golden Peacock, Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 38050. Sample nos. 52878-B, 68601-B.)

This article was misrepresented on the label as to its germicidal and anti-septic properties.

On December 3, 1936, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Golden Peacock, Inc., a corporation, Paris, Tenn., charging shipment by said corporation in violation of the Food and

Drugs Act on or about January 20 and 29, 1936, from the State of Tennessee into the States of Arkansas and Kentucky of quantities of an article labeled in part, "Mouth Wash Highly Antiseptic A powerful germ killer. 10 times as strong as ordinary antiseptics * * * Norris New York San Francisco Paris U. S. A.", which was adulterated and misbranded.

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be highly antiseptic and a powerful germ killer; whereas it was not highly antiseptic and was not a powerful germ killer.

It was alleged to be misbranded in that the statement, "Highly Antiseptic A powerful germ killer. 10 times as strong as ordinary antiseptics", borne on the label, was false and misleading in that it represented that the article was highly antiseptic, that it was a powerful germ killer, and was 10 times as strong as ordinary antiseptics; whereas it was not highly antiseptic, it was not a powerful germ killer, and it was not 10 times as strong as ordinary antiseptics.

On March 22, 1937, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$100 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27230. Misbranding of Olivo Hair Tonic and Olivo Hair Oil. U. S. v. 16 Bottles of Olivo Hair Tonic and 329 Jars of Olivo Hair Oil. Default decree of condemnation and destruction. (F. & D. nos. 38286, 38287. Sample nos. 16774-C, 16775-C, 16776-C.)

Each of the articles was falsely represented in the labeling to contain olive oil and to be an Italian product. The labeling of each also contained false and fraudulent representations regarding its curative or therapeutic effect. The Olivo Hair Tonic failed to bear on its label a statement of the quantity or proportion of alcohol contained therein.

On September 14, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 bottles of Olivo Hair Tonic and 329 jars of Olivo Hair Oil at Brooklyn, N. Y., alleging that the articles had been shipped in interstate commerce on or about June 23, 1936, by the Zala Perfumery Co., from Philadelphia, Pa., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analysis of the Olivo Hair Tonic showed that it consisted essentially of alcohol (72 percent by volume), an oil which was largely or wholly castor oil, resorcinol, and perfume. Analysis of the Olivo Hair Oil showed that it consisted essentially of petrolatum, with small quantities of a phenol, a fatty oil, perfume, and a green coloring material.

The Olivo Hair Tonic was alleged to be misbranded: 1. In that the statement, "Olivo * * * Olivo Hair Tonic contains olive oil", borne on the bottle label, was false and misleading in that it represented that the article contained olive oil; whereas it did not contain olive oil. 2. The statement "Genuine Italian", borne on the bottle label, was false and misleading with respect to its geographical origin because it was not a genuine Italian product. 3. The packages failed to bear on the label a statement of the quantity or proportion of alcohol contained therein. 4. The following statements regarding its curative or therapeutic effects, borne on the bottle labels, were false and fraudulent: (Principal label) "Perfect * * * Dandruff Remedy * * * This preparation applied to scalp prevents dandruff and eczema. Keeps the hair from falling, strengthens the growth * * * Tonic"; (rear label) "* * * for the eradication of dandruff and to aid in the destruction of bacteria infesting the scalp. * * * for the purpose of * * * Keeping the scalp in a healthy normal condition. * * * If properly used marvelous results will be obtained for all kinds of scalp ailments. * * * First massage the scalp with the palm and finger tips for 90 seconds. This will awaken dormant hair cells and stimulates scalp action. Then apply Olivo Hair Tonic—rub lightly until it is absorbed by the corium. Repeat this treatment twice a week until desired results are obtained."

The Olivo Hair Oil, contained in 16-ounce and in 2-ounce jars, was alleged to be misbranded: (1) In that the title "Olivo" and the word "Olivo", appearing on the labeling, were false and misleading in that they represented that it was an olive-oil preparation, whereas it was not an olive-oil preparation; and (2) in that the statement "Genuine Italian", appearing on the labeling, was false and misleading with respect to the geographical origin of the product in that it was not a genuine Italian product. Said article in the 16-ounce jars was alleged to be misbranded in that the following statements regarding its curative or thera-

peutic effects, appearing on the label, were false and fraudulent: "This preparation applied to scalp prevents Dandruff and Eczema. Keeps the hair from falling, strengthens the growth * * *." The article in the 2-ounce jars was alleged to be misbranded in that the statements contained in a circular enclosed with the jar, "Olivo (The Scalp Food Supreme) Contains Genuine Italian Olive Oil" and " * * * is a preparation containing Olive Oil", were false and misleading in that they represented that it contained genuine Italian olive oil and that it was a preparation containing olive oil; whereas it did not contain genuine Italian olive oil and was not a preparation containing olive oil. It was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effects, borne on the cartons and jar labels and contained in an accompanying circular, were false and fraudulent: (Carton) "Prevents Dandruff and Eczema * * * Improves the growth of the hair"; (jar label) "This preparation applied to the scalp prevents Dandruff and Eczema. Keeps the hair from falling, strengthens the growth * * *"; (circular) "Guaranteed to Eradicate Dandruff End Itchy Scalp Stop Falling Hair * * * Prevents Dandruff, Eczema. Retards falling hair, * * * One of the most important marks * * * is a healthy, well kept head of hair. * * * for the purpose of * * * keeping the scalp in a healthy normal condition. * * * Olivo will promote the growth of hair by preventing dandruff and eczema, * * * If properly used, marvelous results will be obtained for all kinds of scalp ailments. The medicinal ingredients in this preparation are beneficial for the eradication of dandruff and aid in the destruction of scalp bacteria. * * * First massage the scalp with the palm and finger tips for 90 seconds. This will awaken dormant hair cells and stimulates scalp action. Then apply Olivo—rubbing lightly until it is absorbed by the corium."

On March 23, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27231. Misbranding of Chloralide. U. S. v. Farmaide Products Co. Plea of nolo contendere. Fine, \$75. (F. & D. no. 38613. Sample no. 49414-B.)

The labeling of this preparation bore false and fraudulent curative and therapeutic claims.

On February 2, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmaide Products Co., a corporation trading at Lincoln, Nebr., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 19, 1936, from the State of Nebraska into the State of Missouri of a quantity of Chloralide that was misbranded.

Analysis showed that the article consisted of sodium hypochlorite, sodium chloride, sodium hydroxide, sodium carbonate, and water.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the bottle labels and cartons and in a booklet and circular enclosed in the cartons, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for skin eruptions and bunions; effective as a treatment, remedy, and cure for ailments of poultry, to assure the continued health and growth of poultry, as a preventive and treatment of diseases of poultry, and as a preventive of bacillary white diarrhea, and brooder pneumonia; effective as a treatment, remedy, and cure for coccidiosis, roup, canker, chickenpox, avian diphtheria, aspergillosis, bronchitis, infectious bronchitis, cholera, diarrhea, and enteritis; effective to destroy bacteria and germs before they can find a culture in which to germinate; and effective as a preventive of diseases in hogs.

The information charged that the article also was misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment no. 1547 published under that act.

On March 13, 1937, a plea of nolo contendere was entered on behalf of the defendant, and the court imposed a fine of \$75 for violations of both acts.

H. A. WALLACE, *Secretary of Agriculture.*

27232. Misbranding of Iowa Roup Remedy. U. S. v. Howard-Iowa Products Co., and William G. Howard. Plea of nolo contendere. Fine, \$40 and costs. (F. & D. no. 38627. Sample no. 5128-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 25, 1937, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Howard-Iowa Products Co., a corporation, Jefferson, Iowa, and William G. Howard, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about January 9, 1936, from the State of Iowa into the State of Minnesota of a quantity of Iowa Roup Remedy that was misbranded.

Analysis showed that the article consisted essentially of a dark solution of volatile and nonvolatile mineral oil containing creosote and tarry material.

It was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, borne on the can label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for roup.

The information charged that it also was misbranded in violation of the Insecticide Act of 1910, reported in notices of judgment published under that act.

On April 16, 1937, pleas of nolo contendere were entered on behalf of the defendants and the court imposed a fine of \$20 and costs against each defendant for violation of both acts.

H. A. WALLACE, *Secretary of Agriculture.*

27233. Misbranding of double-distilled witch hazel. U. S. v. 573 Bottles of Double Distilled Witch Hazel. Default decree of condemnation and destruction. (F. & D. no. 38777. Sample no. 11592-C.)

The label of this article bore false and fraudulent representations regarding its curative or therapeutic effects.

On December 8, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 573 bottles of witch hazel at Boston, Mass., alleging that it had been shipped in interstate commerce on or about October 2, 1936, by the Gotham Sales Co., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of witch-hazel water.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, borne on the bottle labels, were false and fraudulent: "For the relief of * * * burns, scalds, wounds, painful swellings, lame back, piles, sore throat, neuralgia, rheumatism, * * *. etc."

On March 29, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27234. Adulteration and misbranding of Harosma. U. S. v. 128 Bottles of Harosma. Default decree of condemnation and destruction. (F. & D. no. 39028. Sample no. 13145-C.)

This product contained less phenacetin than the quantity represented on the label, which also bore false and fraudulent curative or therapeutic claims.

On February 2, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 128 bottles of Harosma at Buffalo, N. Y., alleging that it had been shipped in interstate commerce on or about January 4 and 7, 1937, by Erie Laboratories, from Cleveland, Ohio, and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that each capsule consisted essentially of acetophenetidin (phenacetin, 2.5 grains), aspirin (2.7 grains), and caffeine ($\frac{1}{4}$ grain).

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Each Capsule Contains Phenacetin 4 grs.", in that each capsule in fact contained less than 4 grains of phenacetin.

It was alleged to be misbranded in that the statement, "Each Capsule Contains Phenacetin 4 grs.", borne on the label, was false and misleading in that each capsule in fact contained less than 4 grains of phenacetin. It was alleged to be misbranded further in that the statements regarding its curative or therapeutic effects, "For lessening the Paroxysms of Hay Fever and Asthma", and "Rose

Fever, Sinus * * * Rhinitis, La Grippe, Running Nose, Weeping Eyes * * Etc.", were false and fraudulent.

On March 8, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27235. Misbranding of Scheidemann Remedy Tea. U. S. v. 141 Packages of Scheidemann Remedy Tea. Default decree of condemnation and destruction. (F. & D. no. 38776. Sample no. 15108-C.)

The package containing this article and an enclosed circular bore and contained false and fraudulent representations regarding its curative or therapeutic effects.

On December 12, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 packages of Scheidemann Remedy Tea at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about November 18, 1936, by the Scheidemann Remedy Co., Inc., from Milwaukee, Wis., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of ground wood, twigs, and needles, together with juniper berries.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, borne on the package and contained in an enclosed circular, were false and fraudulent: (Package label) "Vitality * * * for Diabetes, Kidney Disorders, Albumin, and Uric Acids * * * Adults, One heaping cupful (or 2 ounces) to two quarts of water. Let come to boil, then simmer slowly for 15 minutes. Drink this amount every day. Children 6 to 15 yrs. One-half packed cupful (or 1 ounce) of Remedy Tea to two quarts of water. Boil as above. While still hot strain the contents through Very Fine Mesh metal screen strainer. Do Not use cloth in boiling or straining as it absorbs the oils so vital in this treatment. To speed results, continue on your diet and avoid sugar and starch foods. Patrons taking injections have reduced them gradually, and have been able to eliminate injections entirely. * * * Nature's Gift For Better Health You Drink It Instead of Water"; (circular) "May Take Soups * * * Fish * * * Eggs * * * Meats * * * Glutens * * * Vegetables * * * Desserts * * * Fluids. Tea or Coffee (without sugar) * * * with lemon juice (no sugar). Must Not Take Sugars, sweets or starches of any kind, * * * Diabetes * * * To achieve the best results, closely follow the directions printed on this bag. * * * Scheidemann Remedy is helping thousands of people. * * * follow directions closely and Give Scheidemann's Remedy A Fair Test, using a package each week for a period of several months and the results will surprise you."

On March 1, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27236. Misbranding of Grandma's Medicinal Herbs. U. S. v. 33 Large and 325 Small Packages of Grandma's Medicinal Herbs. Default decree of condemnation and destruction. (F. & D. no. 39034. Sample no. 21693-C.)

The labeling of this article contained false and fraudulent representations regarding its curative or therapeutic effects.

On February 3, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 358 packages of Grandma's Medicinal Herbs at New Orleans, La., alleging that they had been shipped in interstate commerce on or about November 10, 1936, by Park Laboratory Co., Inc., from San Antonio, Tex., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of senna with small amounts of couch grass, American saffron, caraway seed, anise seed, licorice root, sassafras bark, lavender flowers, uva-ursi leaves, and cinnamon bark.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, contained in a circular enclosed in the packages, were false and fraudulent: "Keep Clean Inside Faulty elimination is the cause of more bad complexions, more sallowness of skin, more dull eyes,

than all other causes put together. * * * A Natural—Safe—Effective Intestinal Cleansing Medicine Good Health How To Gain And Keep It Grandma's Tea is composed of roots and herbs whose medicinal values have long been recognized for their well known action on the organs of elimination. When brewed into a tea, * * * It cleanses the digestive tract of poisonous wastes, and stimulates the normal action of the bowels. The normal body requires only a portion of the food eaten to keep it strong and charged with energy. The remainder either goes into excess flesh, or else it overtaxes the organs of assimilation and elimination. They become weakened and do not function properly, and as a result are unable to dispose of, or eliminate, the fermented masses that clog the digestive tract. The usual result is indigestion, gas pains, halitosis, and often a bad body odor. With many people, this condition results in a bad headache. The regular use of Grandma's Tea will eliminate these excessive and poisonous wastes; will insure your health and prove to be a real aid in solving problems of dietetic weight. * * * Your Weight Is Your Index To Health Watch It * * * Grandma's Tea Keeps You Well."

On March 25, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27237. Misbranding of Ice-Mint. U. S. v. 117 Packages of Ice-Mint. Default decree of condemnation and destruction. (F. & D. no. 39041. Sample no. 17804-C.)

The cartons, jars, and a circular and a leaflet enclosed in the cartons, bore and contained false and fraudulent curative or therapeutic claims.

On February 6, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 packages of Ice-Mint at Newark, N. J., alleging that it had been shipped in interstate commerce on or about August 7, 1936, by United Sales & Manufacturing Co., from Binghamton, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of water, borax, camphor, and menthol, incorporated in an ointment base.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, borne on the jar labels and cartons and contained in an accompanying circular and leaflet, were false and fraudulent: (Carton) "For Red * * * Rough Hands. * * * Nervous Headache Lameness Sore Muscles Irritations Painful Corns and Callouses * * * For Burns Clogged Nostrils * * * Piles * * * Skin Irritations"; (jar) " * * * for use in cases of tired, aching, burning feet, painful corns and callouses, rough, red, * * * hands, * * * burns. Also * * * in local congestions, head and chest colds, ordinary sore throat, nasal catarrh, skin irritations, * * * and piles"; (circular) " * * * purifying, medicated cream * * * will bring you real comfort in many emergencies"; (leaflet) " * * * Ice-Mint * * * for use in certain diseases of the respiratory organs, such as colds, spasmodic croup, catarrh, etc. Experience has shown that it is also often efficacious in allaying inflammation caused by cuts, bruises, burns, sprains, piles, etc., and for relieving the pain caused by muscular rheumatism and neuritis. Ice-Mint rubbed briskly over the skin brings about a good circulation of the blood which in turn will often bring quick relief from complaints that cause the sufferer most excruciating pain. This is undoubtedly why it has been used so extensively to relieve tired, burning, aching feet and painful corns * * * Whenever pain can be relieved by external applications it is always better than internal dosing, * * *. Corns and Callouses * * * Colds in the Chest and Laryngitis * * * Cold in Head * * * Clogged Nostrils From Nasal Catarrh Catarrh of the head is an inflammation of the membrane lining the nose and nasal passages. It usually begins with symptoms of a cold—sneezing and watery discharge from the nose. Pain in the forehead is usually present, sometimes great difficulty is experienced in breathing. In severe cases the disease works into the tubes and often impairs the hearing. In using Ice-Mint for nasal catarrh push a little piece about the size of a pea up each nostril and then gently pinch the nostrils together so as to force the Ice-Mint up into the air passages. In severe cases the Ice-Mint may smart just a bit for a moment but this feeling will soon leave. Repeat night and morning and in severe cases once or twice during the day. * * *

acts as a tonic to the skin. * * * Pimples and Blackheads * * * Superficial Burns, Scalds and Cuts * * * Piles or Hemorrhoids * * * a most comfortable preparation for the treatment of piles. Muscular rheumatism, Sprains, Soreness * * * to reduce the inflammation. * * * Headache * * * Eczema * * * Sore Throat."

On March 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27238. Misbranding of Dr. Brigadell's Camphorole. U. S. v. 213 and 142 Cartons each containing a jar of Dr. Brigadell's Camphorole and a sample of Dr. Brigadell's Camphorole Nose Drops. Default decrees of condemnation and destruction. (F. & D. nos. 39049, 39074. Sample nos. 34975-C, 34976-C, 35233-C.)

A circular enclosed in the packages of these articles contained false and fraudulent designs and statements regarding their curative or therapeutic effects.

On February 5 and 11, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 355 cartons each containing a jar of Dr. Brigadell's Camphorole and a sample vial of Dr. Brigadell's Camphorole Nose Drops at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about August 5 and December 18, 1936, and January 21, 1937, from Atlantic City, N. J., by the Camphorole Laboratories, and that they were misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that the Camphorole consisted largely of petrolatum and lanolin, with small amounts of volatile oils; and that the nose drops consisted largely of liquid petrolatum with small amounts of essential oils.

The articles were alleged to be misbranded in that the designs in the circular contained in the package, showing "Openings of sinuses", "Drumhead", "Middle-ear cavity", and "Eustachian Tube", and the anatomy of the posterior aspect of the human leg, upon which were indicated the following nerves: "Small Sciatic Inferior Pudendal", "Great Sciatic Nerve", "Internal Popliteal Branch of the Great Sciatic Nerve", and "Posterior Tibial Branch of the Sciatic Nerve", and the representation of the anatomy of the human foot upon which the bones, muscles, tendons, and ligaments were indicated, and the representation of the anatomy of the human lungs upon which the divisions of the right and left lobes were shown, together with the branches of the bronchial tube leading thereto, were false and fraudulent in that they gave the impression that the articles constituted a treatment for diseases of the indicated portions of the anatomy, whereas in fact they did not; in that the representation of a dog under the caption "Colds and Cough in Dogs" also was false and fraudulent, and in that certain statements in the circular falsely and fraudulently represented that the articles would be effective to cure or relieve nasal irritations, sniffing or sneezing; effective as an aid in the relief of minor cases of irritation of the bronchial tubes; effective to cure or relieve acute hoarseness; effective as a treatment and remedy for chronic rheumatism; effective to keep the feet free from aches; and effective as a cure, remedy, or treatment for itching piles and rectum, for tired nerves, skin irritations, and throat irritations.

On March 22, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27239. Misbranding of Occo Dry Dip. U. S. v. Oelwein Chemical Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 3702. Sample nos. 52525-B, 54764-B.)

The labeling of this veterinary preparation bore false and fraudulent curative and therapeutic claims.

On April 14, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Oelwein Chemical Co., Inc., Oelwein, Iowa, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 19, 1935, from the State of Iowa into the State of Illinois of quantities of Occo Dry Dip that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of naphthalene, powdered tobacco, a small proportion of

sulphur, and a trace of sodium fluoride together with such inert ingredients as calcium carbonate and sand.

It was alleged to be misbranded in that certain statements, borne on the label of the pail containing it, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for flu in hogs.

The information charged that the article also was misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment no. 1530 published under that act. On April 28, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 for violation of both acts.

H. A. WALLACE, *Secretary of Agriculture.*

27240. Adulteration and misbranding of aspirin tablets. U. S. v. 717 Bottles of Aspirin Tablets. Decree of condemnation. Product delivered to Veterans' Administration. (F. & D. no. 39061. Sample no. 19442-C.)

This article contained acetylsalicylic acid (aspirin) in excess of the amount prescribed in the National Formulary, and in excess of the amount declared on the label; and the bottles contained less than the number of tablets represented on the label.

On February 16, 1937, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 717 bottles of aspirin tablets at Cheyenne, Wyo., alleging that the article had been transported in interstate commerce on or about January 26, 1937, by A. A. Larche, manager of the Dean Pharmacal Co., from Denver, Colo., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it was sold under the name "Aspirin Tablets", which name is recognized in the National Formulary as a synonym for tablets of acetylsalicylic acid, and its strength differed from that required by said formulary, namely, "Tablets of Acetylsalicylic acid contain * * * not more than 107.5% of the labeled amount of acetylsalicylic acid"; whereas in fact the article contained a larger amount of acetylsalicylic acid than 107.5 percent.

The article was alleged to be misbranded in that the statement borne on the labels, "100 Tablets", was false and misleading in that it represented that each of the bottles contained 100 tablets of the article; whereas in fact each bottle contained less than 100 tablets. It was alleged to be misbranded further in that the statement borne on the bottle labels, "Aspirin Tablets 5 Gr.", was false and misleading in that it represented that each of the tablets contained 5 grains of aspirin; whereas in fact each of the tablets contained more than 5 grains of aspirin.

On March 8, 1937, the Dean Pharmacal Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered with a provision for release of the product under bond. On May 19, 1937, the product was ordered delivered to the Veterans' Administration at Cheyenne, Wyo., the claimant having failed to take it down under bond and repack and relabel it as provided by the decree.

H. A. WALLACE, *Secretary of Agriculture.*

27241. Adulteration and misbranding of ether. U. S. v. 25 Cans and 79 Cans of Ether. Default decrees of condemnation. Product delivered to a public institution for a special use. (F. & D. nos. 39063, 39106. Sample nos. 16230-C, 16246-C.)

This product differed from the standard prescribed for such article in the United States Pharmacopoeia in that it contained aldehyde.

On February 10 and 19, 1937, the United States attorney for the Western District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 104 cans of an article labeled "Ether for Anesthesia U. S. P." at Asheville, N. C., alleging that it had been shipped in interstate commerce on or about September 29, 1936, and January 26, 1937, by Merck & Co. from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and it differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia in that it contained aldehyde.

It was alleged to be misbranded in that the statement on the label, "Ether * * * U. S. P.", was false and misleading when applied to an article that contained aldehyde.

On March 19, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be delivered to a certain United States Veterans' Hospital, for use in removing adhesive plaster.

H. A. WALLACE, *Secretary of Agriculture.*

27242. Misbranding of citrate of magnesia. U. S. v. 23 Dozen Bottles of Citrate Magnesia. Default decree of condemnation and destruction. (F. & D. no. 35068. Sample no. 26587-C.)

This product differed from its standard as prescribed in the United States Pharmacopoeia in that 10 cubic centimeters of it contained citric acid equivalent to not more than 25.35 cubic centimeters of half-normal hydrochloric acid. The bottle contained less than the volume declared on the label.

On or about February 16, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 dozen bottles of citrate of magnesia at Hackensack, N. J., alleging that it had been shipped in interstate commerce on or about December 1, 1936, and January 20, 1937, by the Certified Magnesia Co., Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

It was alleged to be misbranded in that the statements, "Citrate Magnesia * * * U. S. P.", borne on the bottle labels, and "Certified Magnesia U. S. P.", borne on the bottle cap, were false and misleading in that they represented that it was a drug named in the United States Pharmacopoeia; whereas it contained less citric acid than is required in such drug by the pharmacopoeia.

The article was alleged to be misbranded further in that the statements, "Net Contents About 11½ Ounces", borne on the label, and "Cont. Approx. 11 Fl. Oz.", borne on the bottle cap, were false and misleading in that they represented that the bottles each contained 11 fluid ounces or more; whereas in fact the bottles each contained less than 11 fluid ounces of the article.

On March 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27243. Adulteration and misbranding of absorbent cotton. U. S. v. 37 Pounds of Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. no. 39080. Sample no. 16973-C.)

This product was represented on the label as having been sterilized, when it was not sterile but was contaminated with viable micro-organisms.

On or about February 15, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 pounds of absorbent cotton, in 1-ounce and 2-ounce packages, at Newark, N. J., alleging that it had been shipped in interstate commerce on or about December 24, 1936, by the Deane Plaster Co., from Yonkers, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, "Absorbent Cotton Sterilized", in that it was not sterile but was contaminated with viable micro-organisms including gas-producing organisms.

It was alleged to be misbranded in that the statement on the label, "Sterilized", was false and misleading when applied to an article that was not sterile but was contaminated with viable organisms including gas-producing organisms.

On March 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27244. Misbranding of Summus. U. S. v. 34 Bottles of Summus. Default decree of condemnation and destruction. (F. & D. no. 39082. Sample no. 20362-C.)

The label of this product bore false and fraudulent curative or therapeutic claims.

On February 15, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the dis-

strict court a libel praying seizure and condemnation of 34 bottles of Summus at Providence, R. I., alleging that it had been shipped in interstate commerce on or about October 29, 1935, by the Fox Drug Co., from New Bedford, Mass., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of water, alcohol, borax, sodium bicarbonate, and a small amount of a zinc compound, a red coloring matter, and flavoring materials including oil of cassia.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, borne upon the label, were false and fraudulent: "Healing * * * Used in the treatment of Tonsillitis, Nasal Catarrh, Spongy and Bleeding Gums. Quickly Relieves Soreness and discomfort following Teeth Extraction. * * * Reduces Inflammation. Heals diseased Mucous surfaces of the Mouth and Throat. Purifies. * * *."

On March 12, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27245. Misbranding of Zonalife. U. S. v. 24 Cases and 216 Bottles of Zonalife. Default decrees of condemnation and destruction. (F. & D. nos. 39091, 39166. Sample nos. 22715-C, 33402-C.)

The label of this article bore false and fraudulent representations regarding its curative or therapeutic effects.

On February 15 and March 3, 1937, the United States attorneys for the Eastern District of Michigan and the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 24 cases each containing 36 bottles of Zonalife at Detroit, Mich., and 216 bottles of Zonalife at Atlanta, Ga. It was alleged that the article had been shipped in interstate commerce, the 216 bottles on or about January 11, 1937, and the 24 cases on or about January 18, 22, and 28, 1937, by Zonalife Distributors, from St. Louis, Mo., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of magnesium sulphate and water, with small quantities of iron and sodium compounds, salicylic acid, methyl salicylate, and saccharin.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, borne on the bottle labels, were false and fraudulent: "Zonalife * * * We have Testimonials from many who have suffered from Indigestion * * *. Headaches, Sluggish Kidneys, Rheumatism and High Blood Pressure, who claim great relief by using Zonalife."

On March 10 and 27, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27246. Adulteration and misbranding of absorbent cotton. U. S. v. 43 Pounds, et al., of Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. no. 39095. Sample no. 22544-C.)

This article did not comply with the requirements of the United States Pharmacopoeia for absorbent cotton, since it was contaminated with viable micro-organisms.

On March 29, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 177 pounds and 5 ounces of absorbent cotton at Jacksonville, Fla., alleging that it had been shipped in interstate commerce in several consignments on or about September 23, October 29, and November 3 and 30, 1936, and January 6 and 28, 1937, by the Carolina Absorbent Cotton Co., from Charlotte, N. C., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, absorbent cotton, which requires that absorbent cotton consist of "the hairs of the seed of cultivated varieties of *Gossypium herbaceum* Linné", or of other species of *Gossypium* (family Malvaceae), freed from adhering impurities"; in that it had not been freed from adhering impurities but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statements, "Bestever Absorbent Cotton" with respect to all lots, and "This Package Contains Absorbent Cotton Prepared by Surgically—Clean Methods", with respect to portions, borne on

the packages, were false and misleading since the article was not sterile but was contaminated with viable micro-organisms.

On March 29, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27247. Adulteration and misbranding of gauze bandage. U. S. v. 144, 144, and 96 Packages of Gauze Bandage. Default decree of condemnation and destruction. (F. & D. no. 39096. Sample no. 32028-C.)

This article, represented on the label to be "Sterilized", was not sterile but was contaminated with viable micro-organisms.

On February 17, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 384 packages of gauze bandages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 13 and 21, and February 2, 1937, by Approved Distributors, Inc., from Philadelphia, Pa., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Sterilized", in that it was not sterile, but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statement "Gauze Bandage Sterilized", borne on the package, was false and misleading when applied to an article that was not sterile, but was contaminated with viable micro-organisms.

On March 23, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27248. Misbranding of Wah-Poo-Sah Kee-Kee-Kee. U. S. v. 38 Bottles of Wah-Poo-Sah Kee-Kee-Kee. Default decree of condemnation and destruction. (F. & D. no. 39125. Sample no. 29901-C.)

The labeling of this article bore and contained false and fraudulent representations regarding its curative or therapeutic effect.

On February 24, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 bottles of Wah-Poo-Sah Kee-Kee-Kee at Buffalo, N. Y., alleging that it had been shipped in interstate commerce on or about September 15, 1936, by the MacDonald Medicine Co., from Detroit, Mich., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of water and alcohol with small proportions of plant drugs including a laxative plant drug.

It was alleged to be misbranded in that the following statements, borne on the bottle labels and cartons and contained in a circular enclosed in the cartons, falsely and fraudulently represented that it was capable of producing the effect claimed in said statements: (Bottle label) "Activating the Muscle of the Bowels"; (carton) "Activating the Muscle of the Bowels"; (circular) "* * * it destroyed the desire in the Red Man for the White Man's Fire Water and this proved to be the case when taken for this particular purpose. * * * activating the muscles of the bowels * * * incalculable benefit in removing the causes for many of the altogether too common conditions that are allowed to affect mankind, and that it will eventually prove a boon * * * even in long standing cases, it has never failed * * * Just a Common Sense Talk about that complex system of ours; how it actually works, and not how it is generally believed to function. Many people think that if they have some particular ailment, they must have a special medicine to correct this, but Great Scientists proclaim this: That no drug, chemical, salve or even herbs can heal anything. Nature Must Do the Healing. Every learned man will tell you, by only treating the symptom, seldom lasting results can be obtained. One organ is dependent on others, in fact all organs and our whole body is dependent on the Blood. Then to Enrich the Blood, you benefit your entire system. The Blood is surely the Life Stream of Your Body, hence, whether you have a sore or wound, or whether you have a broken bone to knit, or whether you have some internal organ affected, your Blood must contain those particular elements wherewith to repair or replace that dead cell or bruised tissue. Nature, meaning our own Blood, with its circulating powers, must

therefore do its own building, as well as carry away to its filtering organs, the many poisonous germs and useless matter that possibly has settled in the weakest point of your body, thus causing a breakdown or a disease. Reasonable, isn't it? Let us take even nervous ailments, is your Blood (if healthy) not practically the sole food your nerves are fed by? Then, if this all is true, is it not quite easy to understand how such a worthy product as Kee-Kee-Kee, * * * (no * * * drugs of any kind), with its Blood Enriching Powers, that by all Druggists, Kee-Kee-Kee is recommended to restore to you Buoyant Health and Vigor, regardless how severe your condition."

On March 29, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27249. Adulteration and misbranding of Miller's Antiseptic Oil. U. S. v. 12 Dozen Packages, 64 Bottles, and 141 Bottles of Miller's Antiseptic Oil. Default decrees of condemnation and destruction. (F. & D. nos. 38989, 39027, 39126. Sample nos. 18876-C, 18912-C, 22620-C.)

The labeling of this article bore false and misleading representations as to its penetrating properties, and to the effect that it contained no injurious substances; and also false and fraudulent representations regarding its curative or therapeutic effects.

On February 1 and February 26, 1937, the United States attorneys for the Western District of South Carolina and the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 12 dozen packages of Miller's Antiseptic Oil at Spartanburg, S. C., and 205 bottles of the product at St. Louis, Mo., alleging that it had been shipped in interstate commerce on or about December 9, 1936, and January 5 and February 5, 1937, by the Herb Products Medicine Co., from Jackson, Tenn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Miller's Antiseptic Oil For Years Called Snake Oil * * * Manufactured Only By Herb Juice Medicine Company Jackson Tenn."

Analysis of the article showed that it consisted essentially of kerosene with small quantities of capsicum and volatile oils including turpentine oil, winter-green oil, and sassafras oil.

It was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "External Preparation Containing Penetrating Oils Will Penetrate Thickest Sole Leather in Few Minutes", since it was not an external preparation containing penetrating oils that will penetrate thickest sole leather in a few minutes.

It was alleged to be misbranded in that the statement borne on the package, "External Preparation Containing Penetrating Oils Will Penetrate Thickest Sole Leather in Few Minutes", was false and misleading when applied to an article consisting of the ingredients disclosed by the analysis; and in that the statement "contains no * * * injurious drugs", borne on the package, was false and misleading when applied to an article that consisted chiefly of kerosene, a highly irritating substance. The article was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Carton and bottle) "External Preparation Containing Penetrating Oils * * *"; (circular) "Stops Aches and Pains Try this oil for the treatment of deep seated pain and soreness. Bathe affected parts with hot dry cloth and apply the oil, rubbing in well. Muscular Rheumatism: Rub well into affected joints and muscles and apply well greased flannel cloth. (Grease cloth with Krou-Monia Salve.) Lumbago: Treat same as deep seated pain. Corns: Apply the oil to corn upon retiring. It will soften the callous and draw the pain and tenderness from the root of the corn. * * * Burns and Scalds: If skin is not broken saturate cloth and apply to burned surface; if skin is broken mix with olive oil and apply. * * * Diarrhea and Cramps: Take 20 to 30 drops of oil in teaspoonful of sugar. Sore Throat: Bathe outside of throat well and apply cloth, greased with Krou-Monia Salve. Take few drops on sugar. Influenza, Colds, Pneumonia: Rub well into chest and apply cloth, greased with Krou-Monia Salve. Take few drops on sugar every two hours as needed to relieve coughing. Croup: Bathe chest freely, applying cloth greased with Krou-Monia Salve. Put a few drops of oil in a pan of steaming water and inhale. * * * these well known Health Giving Preparations. * * *."

On March 15, March 24, and April 10, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27250. Adulteration and misbranding of ether. U. S. v. 70 Cans of Ether. Default decree of condemnation and destruction. (F. & D. no. 39149. Sample no. 20406-C.)

This article, labeled "Ether * * * U. S. P.", differed from the standard prescribed for ether in the United States Pharmacopoeia, in that 4 of the 10 cans examined were found to contain aldehyde.

On February 27, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 cans of ether at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 23, 1936, by Merck & Co., from Rahway, N. J., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia in that aldehyde was present in the article.

It was alleged to be misbranded in that the statement on the label, "Ether * * * U. S. P.", was false and misleading when applied to an article that contained aldehyde.

On March 22, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27251. Adulteration of carbolic acid. U. S. v. Samuel Goldstein (Taylor's Pharmacy). Plea of guilty. Fine, \$10. (F. & D. no. 38632. Sample no. 74805-B.)

This product was sold under a name recognized in the United States Pharmacopoeia and fell below the standard established by that authority, since it contained not more than 88.1 percent of carbolic acid; whereas the pharmacopoeia specifies that carbolic acid shall contain not less than 98 percent of carbolic acid.

On April 24, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel Goldstein, trading as Taylor's Pharmacy, Washington, D. C., charging sale by said defendant in the District of Columbia on or about June 25, 1936, of a quantity of carbolic acid that was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia and its own standard of strength, quality, and purity was not declared on the container.

The information charged that the article also was adulterated and misbranded under the Insecticide Act of 1910 and misbranded under the Federal Caustic Poison Act, reported in notice of judgment no. 1552 published under the former act and notice of judgment no. 75 published under the latter act.

On April 24, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$10, which covered all charges.

H. A. WALLACE, *Secretary of Agriculture.*

27252. Adulteration of carbolic acid. U. S. v. Walter N. Bradshaw (The Mayflower Pharmacy). Plea of guilty. Fine, \$10. (F. & D. no. 38636. Sample no. 74762-B.)

This product was sold under a name recognized in the United States Pharmacopoeia and differed from the standard established by that authority, since it contained not more than 88.8 percent of carbolic acid; whereas the pharmacopoeia specifies that carbolic acid shall contain not less than 98 percent of carbolic acid.

On April 7, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court

an information against Walter N. Bradshaw, trading as the Mayflower Pharmacy, Washington, D. C., charging sale by said defendant in the District of Columbia on or about June 26, 1936, of a quantity of carbolic acid that was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength and purity as determined by the tests laid down therein and its own standard of strength, quality, and purity was not declared on the container.

The information charged that it also was adulterated and misbranded in violation of the Insecticide Act of 1910 and misbranded in violation of the Federal Caustic Poison Act, reported in notice of judgment no. 1553 published under the former act and notice of judgment no. 76 published under the latter act.

On April 7, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$10, which covered all charges.

H. A. WALLACE, *Secretary of Agriculture.*

27253. Adulteration of carbolic acid. U. S. v. Morris Citrenbaum (Park View Pharmacy). Plea of guilty. Fine, \$10. (F. & D. no. 38637. Sample no. 74724-B.)

This product was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard established therein, since it contained not more than 88.6 percent of carbolic acid; whereas the pharmacopoeia specifies that carbolic acid shall contain not less than 98 percent of carbolic acid.

On April 7, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Morris Citrenbaum, trading as the Park View Pharmacy, Washington, D. C., charging sale by said defendant in the District of Columbia on or about June 27, 1936, of a quantity of carbolic acid that was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia and its own standard of strength, quality, and purity was not declared on the container.

The information charged that it also was misbranded in violation of the Insecticide Act of 1910 and the Federal Caustic Poison Act, reported in notice of judgment no. 1554 published under the former act and notice of judgment no. 77 published under the latter act.

On April 7, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$10, covering all charges.

H. A. WALLACE, *Secretary of Agriculture.*

27254. Adulteration of carbolic acid. U. S. v. Tower Pharmacy, Inc. Plea of guilty. Fine, \$10. (F. & D. no. 38614. Sample no. 74767-B.)

This product was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard established by that authority.

On May 5, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Tower Pharmacy, Inc., trading at Washington, D. C., charging sale by said company in the District of Columbia on or about June 26, 1936, of a quantity of carbolic acid that was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Carbolic Acid."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia in that it contained not more than 88.66 percent of phenol; whereas the pharmacopoeia provided that carbolic acid should contain not less than 98 percent of phenol and the standard of strength, quality, and purity of the article was not declared on the container thereof.

The information charged that it also was adulterated and misbranded under the Insecticide Act of 1910, and misbranded in violation of the Federal Caustic

Poison Act, reported in notice of judgment no. 1555 published under the former act and notice of judgment no. 64 published under the latter act.

On May 5, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$10, which covered the charges under the three acts.

H. A. WALLACE, *Secretary of Agriculture.*

27255. Adulteration and misbranding of elixir of iron, quinine, and strychnine; elixir of terpin hydrate and codeine, and sweet spirit of niter. U. S. v. Leading Drug Corporation. Plea of guilty. Fine, \$110. (F. & D. no. 38051. Sample nos. 61396-B, 61411-B, 61527-B.)

These products were sold under names recognized in the National Formulary or United States Pharmacopoeia and differed from the standard established by those authorities, and their own standard was not declared on the label.

On December 12, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Leading Drug Corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about November 7, 1935, from the State of New York into the State of Connecticut, of a quantity of elixir of iron, quinine, and strychnine that was adulterated and misbranded; and on or about February 10 and March 11, 1936, from the State of New York into the State of New Jersey of quantities of elixir of terpin hydrate and codeine and of sweet spirit of niter that were adulterated and misbranded. The articles were labeled in part: "Leading * * * Elixir Iron Quinine and Strychnine N. F." or "Leading * * * N. F. V. Elixir of Terpin Hydrate and Codeine" [or "Leading * * * U. S. P. Sweet Spirit of Niter"] * * * Leading Drug Corp., New York, N. Y."

The articles were alleged to be adulterated in that they were sold under and by names recognized in the National Formulary or in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in those authorities official at the time of investigation and their own standards of strength, quality, and purity were not declared on the labels, viz: The elixir of iron, quinine, and strychnine contained not more than 114.3 cubic centimeters of tincture of ferric citrochloride per 1,000 cubic centimeters, whereas the National Formulary provides that elixir of iron, quinine, and strychnine shall contain not less than 125 cubic centimeters of tincture of ferric citrochloride per 1,000 cubic centimeters; the elixir of terpin hydrate and codeine contained not more than 15.7 grams of terpin hydrate and not more than 1.68 grams of codeine per 1,000 cubic centimeters, whereas the formulary provides that elixir of terpin hydrate and codeine shall contain not less than 17.5 grams of terpin hydrate and not less than 2 grams of codeine per 1,000 cubic centimeters; the sweet spirit of niter contained not less than 5.21 percent of ethyl nitrite, whereas the United States Pharmacopoeia provides that spirit of ethyl nitrite, i. e., sweet spirit of niter, shall contain not more than 4.5 percent of ethyl nitrite.

The articles were alleged to be misbranded in that the statements, "Elixir Ferri Quinine et Strychnia Elixir Iron Quinine & Strychnine N. F. 5th Edition", "Elixir Terpin Hydratis et Codeinae N. F. V. Elixir of Terpin Hydrate & Codeine", and "Spiritus Aetheris Nitros U. S. P. Sweet Spirit of Nitre", borne on their respective labels, were false and misleading in that said statements represented that the first two described products conformed to the standard laid down in the National Formulary and that the third product conformed to the standard laid down in the United States Pharmacopoeia; whereas the products did not conform to said standards.

On May 18, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$110.

H. A. WALLACE, *Secretary of Agriculture.*

27256. Misbranding of Munyon's Tona Spaf. U. S. v. 4 Cartons of Munyon's Tona Spaf. Default decree of condemnation and destruction. (F. & D. no. 39261. Sample no. 20585-C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On March 31, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cartons, each containing 12 bottles, of Munyon's Tona Spaf at East Providence, R. I., alleging that the

article had been shipped in interstate commerce on or about September 22, 1932, by the Sunshine Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Munyon's Tona Spaf * * * Prepared by Munyon Remedy Co., Scranton, Pa."

Analysis showed that the article consisted essentially of an iron and phosphorus compound, a small amount of an arsenic compound, alcohol, water, and flavoring material.

It was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the carton, bottle label, and in accompanying circulars, were false and fraudulent: (Bottle label) " * * * a restorative for nervous exhaustion, promoting secretions of digestive juices and relieving fatigue and increasing strength, especially indicated in rundown and weakened condition. Directions: One to two dessert spoonfuls before meals and at bedtime"; (carton) "Reconstructive * * * Enriches the Blood Tones the Body Preventative or Remedy for Colds-Grippe Influenza-Etc. * * * used for * * * Grippe Anemia Insomnia Diabetes Acidosis Senility Dyspepsia Exhaustion Indigestion Palpitation Debilitation Tired Feeling Mal-Nutrition Blood Disorders"; (pink circular) "Blood purifier and body builder"; (yellow circular) " * * * can be used effectively for many conditions, * * * improves Nutrition and restores lost functional nerve activity. Therefore it should be used in cases of malnutrition, nerve exhaustion and debilitated conditions following long and protracted illnesses. * * * tends to reduce the alkalinity of the blood which makes it valuable in treating skin disorders. * * * The following conditions can be corrected and benefited by the use of Tona Spaf, if taken in the dosage indicated. Anemia: Tona Spaf increases the number of red corpuscles, aids the blood to become normal, thereby giving the patient the appearance of good health. Take one dessert-spoonful every four hours. For the Aged: * * * a feeling of general comfort is given to those advanced in years. * * * quiets heart action * * * Dosage—one half wineglassful three times a day. Blood Disorders: Take two dessertspoonfuls of Tona Spaf before each meal and upon retiring. Satisfactory results will be noticed in a very short time. * * * It is also especially beneficial in cases of Anemia, Chlorosis and other conditions involving degenerative blood processes. * * * Grippe, Influenza, Chills and Fever: To a glass of hot water, add one half wineglassful of Tona Spaf with juice of half a lemon and take just before retiring. It will * * * assist in breaking up that cold. * * * Those who are * * * suffering from general disorders will find Tona Spaf extremely beneficial when used as follows:—Take two dessertspoonfuls of Tona Spaf in a glass of cold water to which has been added the juice of an orange, lemon or grapefruit. * * * Debilitation: Take one half wineglassful doses without water three times a day. Diabetes: The reconstructive * * * qualities and alcoholic content of Tona Spaf makes it exceptionally valuable in cases of Diabetes, especially when acidosis is present. Take one dessertspoonful of Tona Spaf every three hours until acidosis disappears. Acidosis is a condition in which we find an excessive amount of acid in the blood. It is usually characterized by itching. Exhaustion: Two dessertspoonfuls taken every three hours without water gives immediate results by stimulating the circulation of the blood. It should be used during convalescence from Pneumonia, Typhoid-Fever, Influenza and other infectious diseases when the patient is in a state of extreme exhaustion. It improves Nutrition and stimulates the entire nerve system which is especially necessary for a speedy recovery. Persons suffering from heart irregularities or fainting spells will find Tona Spaf a truly effective stimulant. Take a teaspoonful every fifteen minutes until normal heart action is restored. Insomnia: Two dessertspoonfuls of Tona Spaf in a glass of warm milk taken upon retiring will prove helpful in securing a good night's sleep. Indigestion: For an acute attack of Indigestion two dessertspoonfuls of Tona Spaf with a little warm water will give immediate relief. * * * stimulates the entire system * * * Malnutrition: Give the patient a dessertspoonful of Tona Spaf every three or four hours to stimulate the system. Taken faithfully and with the proper diet the patient will respond readily and in a short time a big change will be noticed."

On April 15, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27257. Misbranding of Williams Turkey Tonic. U. S. v. 30 Pint Bottles and 5 Quart Bottles of Williams Turkey Tonic. Default decree of condemnation and destruction. (F. & D. no. 39570. Sample no. 29831-C.)

The labels of this product bore false and fraudulent curative or therapeutic claims.

On May 5, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 pint bottles and 5 quart bottles of Williams Turkey Tonic at Pittsburgh, Pa., alleging that it had been shipped in interstate commerce on or about February 15, 1937, by Williams Turkey Tonic Co. from Monticello, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that the article consisted of a strong solution of hydrochloric acid containing Epsom salt, a small amount of iron salt and a trace of a plant extractive.

It was alleged to be misbranded in that the following statements appearing on the label were false and fraudulent: "Turkey Tonic * * * Turkey Tonic An acid tonic and amebicide * * * For Poultis from 6 to 16 weeks old. Confine birds for four day treatment using one teaspoonful of Williams Turkey Tonic to each half-gallon of drinking water. Feed sparingly and do not feed milk or other liquids during the four day treatment. Repeat this treatment twice a month. For Mature Stock. Use one tablespoonful of Williams Turkey Tonic to each gallon of drinking water, confining the birds for four day treatment. Feed sparingly and do not feed other liquids during the first four day treatment."

The libel charged that the article also was misbranded in violation of the Federal Caustic Poison Act, as reported in notice of judgment no. 80 published under that act.

On June 11, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27258. Misbranding of Essential Food Minerals. U. S. v. The H. C. Roberts Co. Pica of guilty. Fine, \$100 and costs. (F. & D. no. 31348. Sample nos. 28235-A, 28236-A, 49567-A.)

The labeling of these products bore false and fraudulent curative and therapeutic claims, and also false and misleading representations that they consisted wholly of food minerals, were a concentrated food, and complied with the Federal Food and Drugs Act.

On July 16, 1935, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the H. C. Roberts Co., Sioux City, Iowa, alleging shipment by said corporation in violation of the Food and Drugs Act as amended, on or about May 11 and July 27, 1933, from the State of Iowa into the State of Illinois of quantities of Essential Food Minerals that were misbranded. The article was labeled in part, variously: "Essential Food Minerals * * * A concentrated food Natural" [or "Special Gland Food Essential Food Minerals * * * A concentrated food Natural" or "Special Iodine Containing Essential Food Minerals"] * * * "Prepared only by The H. C. Roberts Company, Biological Chemists, Sioux City, Iowa."

Analyses of samples showed that the product labeled "Essential Food Minerals" consisted essentially of lactose (97.1 percent) and traces of potassium, sodium, calcium, magnesium, iron, manganese, copper, and silicon compounds, chlorides, phosphates, and sulphates; that the product labeled "Special Gland Food Essential Food Minerals" consisted essentially of lactose (95.6 percent) and traces of sodium, potassium, calcium, magnesium, iron, manganese, copper, and silicon compounds, chlorides, phosphates, sulphates, and iodides; and that the product labeled "Special Iodine Containing Essential Food Minerals" consisted essentially of lactose (93.2 percent) and traces of sodium, potassium, calcium, magnesium, iron, manganese, copper, and silicon compounds, chlorides, sulphates, phosphates, and iodides.

The product labeled "Essential Food Minerals" was alleged to be misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, borne on the labels and cartons and in accompanying pamphlets, falsely and fraudulently represented that it was effective to promote, build, protect, repair, insure, and restore health; effective to remove the cause of human ailments, to eliminate the accumulation of acid, waste,

poisons, and toxins in the blood and various other parts of the body, to keep the body free from disease, to rebuild worn-out parts, to repair broken-down conditions, to regulate the life processes, and to restore normal, healthy action of the stomach, bowels, brain, kidneys, skin, and all other parts; effective to assist nature to overcome wrong conditions in the body, and to purify, rebuild, repair, and regulate every part; effective to remove the causes of disease; effective to enable the stomach, bowels, liver, kidneys, pancreas, gall bladder, heart, lungs, glands, blood, and other parts of the body to perform their duties; effective as a preventive of disease and ill health; effective as a treatment for aches, pains, discharges, indigestion, sleeplessness, constipation, tired, languid feelings, dizziness, melancholy moods, and other unpleasant sensations; effective as a treatment for underweight and for overweight; effective to overcome ill conditions of the human body of whatever character and to remove the cause thereof; effective to keep the blood pure and the body fully supplied with proper building substances; effective as a treatment, remedy, and cure for stomach trouble, piles, constipation, colitis, asthma, nervousness, skin disorders, lumbago, neuralgia, rheumatism, flabby heart, weak kidneys, bladder weakness, female trouble, high blood pressure, and all troubles which are caused by poor blood or run-down condition; effective as a treatment for tuberculosis, diabetes, asthma, hay fever, goiter and other chronic conditions; effective as a treatment, remedy, and cure for a run-down system and for neuritis; effective as a treatment for indigestion and to restore vitality; effective to promote the building up of the entire system; effective to assist nature to eliminate harmful waste acids and to purify the blood and all body cells; effective as a treatment, remedy, and cure for cough, sciatic rheumatism, pile trouble, anemia, and any kind of a run-down condition; effective as a builder for kidney trouble; effective as a treatment, remedy, and cure for gland weakness and flu; effective as a preventive of ailments of the bones and teeth of the expectant mother and to insure healthy bone structure of the child; effective as a treatment, remedy, and cure for flabby heart, piles, women's troubles, weak muscles, varicose veins, and lack of ambition; effective to build red blood, to build pep and color, to prevent shortness of breath, to prevent the accumulation of waste matter in the blood; effective to overcome nervous conditions, worry, sleeplessness, and nervous indigestion; effective to build and restore the nerve cells; effective as a cure for severe nervous ailments caused by a change in life; effective as a bowel regulator; effective as an eliminator of waste matter; effective to build up the resistance of the body against flu and kindred ailments; effective to carry waste poisons out of the blood; effective to insure easy birth of children; effective as a cure for most high blood pressure and headaches by removing the cause thereof; effective to grow new hair; effective to enable children to gain in weight, strength, and vigor, to protect them against diseases, and to insure sound teeth and better bones; effective to repair the body; effective to insure powerful and boundless energy and success; effective to assist nature to overcome ill health, including many so-called incurable diseases; effective as a remedy to stimulate sick, dying cells and restore them to health again; effective to cause the stomach to digest food, to feed the nerve cells, to prevent falling hair, to enable the pancreas to function, to prevent blood from becoming impaired and anemic, to prevent the sagging and displacement of the organs, to restore health to bodies that are so infected with disease as to be well-nigh hopeless and to enable the body to throw off the poisons of disease; effective to improve the appetite, to cure nervousness and tired feelings, to save children from aches, pains, and suffering, and to prevent neuralgia and kidney disorders in the expectant mother; effective to insure normal and healthy children; effective to insure complete recovery in many outstanding cases pronounced incurable and as a cure for asthma, neuritis, neuralgia, colitis, diabetes, stomach disorders, anemia, hay fever, goiter, acidosis, kidney troubles, high blood pressure, low blood pressure, sagging organs, gland weakness, rheumatism, lumbago, piles, menstrual troubles, and abnormal conditions due to deficiency of nature's health-giving minerals; effective as a cure for different forms of skin trouble; effective as a cure for extreme cases of skin diseases, such as eczema and psoriasis, which have been pronounced incurable; effective to assist digestive action, to correct cellular deficiency, to eliminate toxic poisons and acidosis; effective as beneficial in the treatment of many chronic diseases caused by intestinal sluggishness, and to prevent the degeneration of vital organs by removing the cause thereof; effective as a healing power in abnormal, unnatural, and ill conditions of whatever char-

acter; effective to supply the nutritional needs of the body and to aid stomach action; and effective to prevent intestinal putrefaction.

The product labeled "Special Gland Food Essential Food Minerals" was alleged to be misbranded in that certain statements, designs, and devices appearing on the label and carton and in an accompanying circular, falsely and fraudulently represented that it was effective as a special gland food, as a rejuvenator, as an essential sex gland food, and as a permanent rejuvenator of the weakened and worn-out glands of the human body; effective to rejuvenate the healthy normal function of the sex glands and all other body glands, to restore these glands to their original healthy state, and to furnish the necessary nutritional foundation for the vital gland activators or hormones; effective to supply the actual nutritional needs of the blood and gland cells; effective as a powerful sex food, as a food for sexual debility; effective to repair a partial breakdown or weakness of the sexual mechanism, to supply the lacking food elements to the gland cell structures and to give strength to the functions of generation; effective as a constructive food that acts upon the reproductive organs of both male and female, and as a permanent cell-building food material; effective to restore lost strength and sexual vigor and to supply the starved gland cells with building elements needed for the generation of procreative fluids and the reconstruction and revitalizing of the muscular fibers; effective as a treatment for many ailments directly ascribed to glandular deficiency, such as prostate gland trouble, impotence, melancholy, and nervous breakdown in men and many female disorders, weakness and nervous trouble in women; effective as a treatment for disorders at puberty and at change of life due to glandular deficiency of one or more glands of the body; effective as a treatment for overweight and underweight due directly to abnormal or deficient gland functions; effective to give men new, youthful vigor, confidence, and a new interest in life, and to give to women renewed beauty, banishment of weaknesses, and restored health; effective as a health builder; and effective to supply the deficiency of natural mineral elements and the nutritional and restorative needs of the gland cells and fluids, to prevent intestinal putrefaction and toxicosis, and to permanently revitalize the gland cells.

The product labeled "Special Iodine Containing Essential Food Minerals" was alleged to be misbranded in that certain statements, designs, and devices, borne on the label and package, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a health builder; effective to supply the deficiency of natural mineral elements and to repair and protect health; effective as a necessary food supplement; and effective to supply the nutritional needs of the body, to aid stomach action, and to prevent intestinal putrefaction.

All lots were alleged to be misbranded further in that the statements "Essential Food Minerals * * * A Concentrated Food", borne on the labels, the statements "Guaranteed under the Pure Food and Drugs Act", with respect to a portion, and "In strict compliance with the Pure Food and Drugs Act", with respect to other portions, were false and misleading since they represented that the article was composed wholly of food minerals, that it was a concentrated food, and that it complied with, or had been manufactured in compliance with, the Federal Food and Drugs Act; whereas it was not composed wholly of food minerals, it was not a concentrated food, and it did not comply with and had not been manufactured in strict compliance with the Food and Drugs Act.

On May 24, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27259. Misbranding of Radiumized Water Revitalizer and Radiumized Health Pad. U. S. v. Radiumized Applicator Co., Inc., and Paul E. Streamer. Pleas of guilty. Fines, \$400; payment suspended. (F. & D. no. 32166. Sample nos. 8090-A, 8091-A.)

The labeling of these products contained false and fraudulent curative and therapeutic claims.

On July 30, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Radiumized Applicator Co., Inc., and Paul E. Streamer, president, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about May 24, 1932, from the

State of New York into the State of Pennsylvania of a quantity of articles of drugs, labeled in part "The Radiumized Water Revitalizer" and "Radiumized Health Pad", which were misbranded.

Analysis of the Radiumized Water Revitalizer showed radium emanation (radon) in the proportion of 165 millimicrocuries of radon per U. S. quart. Analysis of the Radiumized Health Pad showed 53 millimicrograms of radium per gram of ore, or 1,695 millimicrograms of radium per pad.

The Radiumized Water Revitalizer was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne in the circular contained in the package, falsely and fraudulently represented that it was effective to insure health; effective as a revitalizer; effective to prevent illness and to relieve those who are suffering or infirm; effective as a treatment, remedy, and cure for chronic ailments, and to supply ailing bodies in Nature's own way with the natural element of which they have been deprived; effective to eliminate accumulated poisons from all the vital organs; effective to cause the organs and glands to adjust themselves to a healthy condition; effective as a treatment, remedy, and cure for rheumatism, arthritis, and gout; and effective as a rebuilder.

The Radiumized Health Pad was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the circular contained in the package, falsely and fraudulently represented that it was effective to insure health; effective as a health pad; effective to apply the healing and invigorating action of radio-active emanations directly to any ailing part of the body; and effective as a treatment, remedy, and cure for kidney or bladder trouble, constipation, prostate trouble, ailments of all the vital organs, high blood pressure, nervous disorders, stomach trouble, indigestion, goiter, ulcers, and skin diseases.

On May 24, 1937, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of \$200 against each of the defendants and suspended payment of the fines pending good behavior.

H. A. WALLACE, *Secretary of Agriculture*.

27260. Misbranding of Zo-Ro-Lo. U. S. v. 22 Bottles of Zo-Ro-Lo. Decree of forfeiture and destruction. (F. & D. no. 34846. Sample no. 19792-C.)

The label of this product contained false and fraudulent curative and therapeutic claims.

On January 15, 1935, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bottles of Zo-Ro-Lo at Covington, Ky., transported by J. C. Brewer from Cincinnati, Ohio, November 26, 1934, alleging that it had been transported in interstate commerce from Cincinnati, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that the article consisted essentially of Epsom salt (24 grams per 100 milliliters), glycerin, and small proportions of citric acid, benzoic acid, and menthol, colored red.

It was alleged to be misbranded in that the following statements regarding its therapeutic and curative effects, borne on the bottle label, were false and fraudulent: "Zo-Ro-Lo * * * Zo-Ro-Lo, Inc. Laboratories, Ada, Ohio, * * * A Scientific Preparation designed to aid Nature in the Treatment of Many Ailments Which are Traceable to Intestinal Auto-Intoxication * * * 'Remove The Cause Nature Will Do The Rest' * * * Directions For the first dose take three to four tablespoonsful followed by a full glass of water, preferably before breakfast. Should elimination of the bowels not begin in three to four hours, repeat this dose until the bowels function freely (copious, watery stool). Take this amount for three consecutive mornings and then take night and morning in doses decreased to such amount as may be required to promote copious elimination daily. Should the stomach rebel against the before-breakfast doses, take after eating. Children should be given Zo-Ro-Lo in doses proportionate to age. This is the average dosage and must be varied according to the individual requirements of each person. The amount, frequency and best time of day to take Zo-Ro-Lo are best determined by varying the doses slightly from time to time until free elimination is obtained. * * * contains no * * * harmful drugs."

On December 3, 1935, Zo-Ro-Lo, Inc., Ada, Ohio, filed an intervening petition and on April 25, 1936, the Government filed a demurrer to the intervenor's peti-

tion. On May 6, 1937, the court sustained the Government's demurrer and ordered that the product be forfeited and destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27261. Adulteration and misbranding of Elixir Aspiral. U. S. v. Eastern Pharmacal Co., Inc. Tried to a jury. Verdict of guilty. Fine, \$500 of which \$400 was remitted. (F. & D. no. 35930. Sample nos. 17651-B, 17652-B, 17653-B, 70455-A, 70457-A.)

This product contained less acetylsalicylic acid (as the sodium salt) than declared on the label and was not a preparation of aspirin, as indicated by its name.

On May 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Eastern Pharmacal Co., Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about May 1, May 8, and October 11, 1934, from the State of New York into the State of New Jersey of quantities of Elixir Aspiral that was adulterated and misbranded. The article was labeled in part: "Elixir Aspiral * * * Each fluid dram represents 5 grains of Acetylsalicylic Acid (as the sodium salt) * * * Eastern Pharmacal Co., Inc., N. Y."

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each fluid dram was represented to contain 5 grains of acetylsalicylic acid (as the sodium salt); whereas each fluid dram of the article contained less than 1 grain of acetylsalicylic acid (as the sodium salt).

The article was alleged to be misbranded in that the statement "Elixir Aspiral * * * Each fluid dram represents 5 grains of Acetylsalicylic Acid (as the sodium salt)", borne on the bottle label, was false and misleading since it represented that the article was Elixir Aspiral, namely, a preparation of aspirin, and in that it contained in each fluid dram 5 grains of acetylsalicylic acid (as the sodium salt); whereas it was not a preparation of aspirin, and it did not contain in each fluid dram 5 grains of acetylsalicylic acid (as the sodium salt), but did contain a less amount.

On May 25 and 26, 1937, the case was tried to a jury, and a verdict of guilty was returned on all 10 counts of the information. The court imposed a fine of \$50 on each of the counts and remitted fines on all counts but the first and second.

H. A. WALLACE, *Secretary of Agriculture.*

27262. Adulteration and misbranding of Ovestrumon. U. S. v. 1 Box, et al., of Ovestrumon. Default decree of condemnation and destruction. (F. & D. no. 36811. Sample no. 40718-B.)

This product fell below the professed standard under which it was sold; and the labeling contained false and fraudulent curative and therapeutic claims.

On December 21, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 boxes of 2-cubic centimeter ampuls of Ovestrumon at Seattle, Wash., alleging that it had been shipped in interstate commerce on or about April 11, April 15, and October 11, 1935, by United Laboratories, Inc., from Pasadena, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it was inert.

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Ovestrumon A standardized Extract Containing the Estrus Producing Hormone of The Ovary."

It was alleged to be misbranded in that the following statements appearing upon and within the package, (carton) "Ovestrumon A Standardized Estrus Containing the Estrus Producing Hormone of The Ovary", and (circular) "Preparation Ovestrumon is carefully prepared from fresh tissues to contain the correct balance between the corpus luteum and the follicles. The method of production peculiar to this laboratory, enables all the hormones present to be utilized, as is not the case in products prepared from the dried glands. Ovestrumon is a stable product and will not deteriorate with age", were false and misleading. The article was alleged to be misbranded further in that the statements appearing in the circular within the package, "Indications For Use:

Ovestrumon is useful in any and all of the symptoms which accompany the menopause. It is exceedingly valuable in the treatment of the nausea and vomiting of pregnancy. It has a distinct place in the treatment of the neuroses common with young women which are now known to be, in many cases, due to insufficient and altered ovarian hormones. Dosage. The dosage necessary will be apparent from the symptoms of the case, from one to three injections a week of 2 cc being usual", regarding its curative or therapeutic effects were false and fraudulent, since it contained no ingredients or combination of ingredients capable when used as directed, of producing the effects claimed.

The United Laboratories, Ltd., having appeared and subsequently having withdrawn its appearance, a default decree of condemnation was entered on May 30, 1937, and the product was ordered destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27263. Adulteration and misbranding of Vegetrate preparations. U. S. v. Health Foundation of California, E. Billy Hamburg, and Joseph A. Sabol. Pleas of nolo contendere. Fines, \$225. (F. & D. no. 37044. Sample nos. 35967-B, 38431-B to 38435-B, incl., 38437-B, 40062-B, 40065-B, 40066-B, 40067-B.)

The labeling of these products bore false and fraudulent curative and therapeutic claims. One of the products was represented to be made entirely from fruits and vegetables; but contained rhubarb root and senna leaves, which are cathartic drugs and not fruits nor edible vegetables. A portion also contained calcium carbonate.

On July 12, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Health Foundation of California, a corporation, Los Angeles, Calif., and E. Billy Hamburg and Joseph A. Sabol, officers of the said corporation at the time of the shipments charged in the information, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, between the dates of May 29 and October 25, 1935, from the State of California into the District of Columbia of quantities of Vegetrate preparations that were misbranded and one of which was also adulterated. The products were variously designated: "Vegetrate No. B. F. 1"; "Formula BF-1"; "Formula H. F. C. No. A-45. The Arthritic"; "Formula No. (H. F. C. D-44) * * * Diabetic"; "Formula H. F. C. No. A-417. Hay Fever Asthmatic"; "Formula No. (H. F. C. A-417)"; "Formula No. (H. F. C. H-410) * * * Hypertension." They were labeled: "Health Foundation of California, Los Angeles, California."

Analyses of samples of the product labeled "B. F. 1" showed that it consisted essentially of vegetable substances including rice bran, cinnamon, cranberry, kelp, and leafy vegetables. Both samples of the B. F. 1 contained senna leaves and rhubarb; those in tablet form also contained calcium carbonate. The remaining products consisted of leaf, stem, and root material.

The B. F. 1 was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be made entirely of fruits and vegetables; whereas it was made in part of rhubarb root and senna leaves, which are not fruits nor edible vegetables, and one lot was made in part of calcium carbonate, which is not a fruit nor a vegetable.

It was alleged to be misbranded in that the statements on the cartons, "Vegetrate The Vegetable Concentrate Corrective * * * Made entirely from concentrated fresh raw vegetables and fruits", with respect to both lots, and the statements in the circular accompanying one lot, "Vegetrate * * * The producers of Vegetrate make no secret about its composition * * * fruits and vegetables * * * it was necessary to devise some means of furnishing the minerals and vitamins as contained in fruits and vegetables * * * Vegetrate is the result of such a quest. It is made of the essential fruits and vegetables * * * An ounce of Vegetrate contains the value of from fifty to one hundred times that quantity of raw fruits and vegetables * * * The Vegetable Concentrate Corrective", were false and misleading since the article contained rhubarb root and senna leaves, which are cathartic drugs and not fruits nor edible vegetables; a portion contained calcium carbonate, which is not a fruit nor a vegetable, and an ounce of the article did not have the value of the minerals and vitamins contained in 50 to 100 ounces of raw fruits and vegetables. All lots were alleged to be misbranded in that certain statements.

designs, and devices regarding their curative and therapeutic effects, were false and fraudulent in the following respects: One lot of the B. F. 1 was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for hyperacidity and as an aid for mineral alkalization; effective to neutralize the acids found in most deficiency diseases; and to help to restore normal equilibrium to diseased functions; effective as a revitalizer, builder, and corrective; effective as a health foundation and as a source of vital elements; effective to maintain good health, natural balance, and physical well being and to overcome the hyperacidity found in refined diets; effective as a remedy for so-called malnutritional diseases and diseases from malnutrition; effective to get rid of toxic poisons and waste matter, to insure freedom from infection, to overcome the effects of acid-producing foods, to counterbalance the painful results of the malnutritional diseases, and to furnish the minerals and vitamins necessary for the alkaline balance of the blood; effective as a treatment for diseases caused by faulty diet; effective to relieve acid condition; and effective as an anti-acid. One lot of the B. F. 1 was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for hyperacidity; effective to assist in the neutralization of the acids found in most deficiency conditions and to help restore equilibrium to diseased function; effective as an aid for mineral alkalization; and effective as a revitalizer and as a health foundation. The No. A-45 was falsely and fraudulently represented to be effective for the arthritic; effective as a treatment, remedy, and cure for ailments due to malnutrition; and effective as a health foundation. The No. D-44 was falsely and fraudulently represented to be effective as an aid in the treatment of diabetes mellitus; effective as a treatment, remedy, and cure for ailments due to malnutrition; effective as a revitalizer and as a health foundation. The No. A-417 was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for hay fever and asthmatic conditions, and for ailments due to malnutrition; and effective as a health foundation. The No. H-410 was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for ailments due to malnutrition; effective to relieve nervous tension and to reduce hypertension; and effective as a revitalizer and as a health foundation.

On April 26, 1937, pleas of nolo contendere were entered, and the court imposed fines of \$75 against each of the three defendants.

H. A. WALLACE, *Secretary of Agriculture.*

27264. Misbranding of Kopp's. U. S. v. 292 Bottles and 96 Bottles of Kopp's (and another seizure action). Default decrees of condemnation and destruction. (F. & D. nos. 37148, 37561. Sample nos. 55862-B, 57008-B.)

The bottle labels and a circular accompanying this product contained false and fraudulent curative and therapeutic claims, and false and misleading representations which were indicative that the preparation was a safe and appropriate remedy for infants and young children; whereas it was not, since infants and young children are susceptible to poisoning from morphine, an ingredient of the article.

On February 3 and April 11, 1936, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 388 bottles and 575 packages of various sizes of Kopp's at Detroit, Mich., alleging that it had been shipped in interstate commerce on or about December 28 and 30, 1935, and March 7, 1936, by C. Robert Kopp, Inc., from Hellam and York, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it contained morphine sulphate (one-eighth grain per fluid ounce), flavoring oils including anise oil, alcohol, sugar, and water.

It was alleged to be misbranded in that the following directions on the labeling detailing how it should be given to infants and young children, together with the picture in a circular accompanying certain sizes, of a baby, entitled "Kopp's Remedies for Babies and Children", were false and misleading, "Directions—Dose for a child 1 week old, 4 drops; 2 weeks, 6 drops; 1 month, 10 to 12 drops; 2 months, 15 to 18 drops; 3 to 4 months, $\frac{1}{2}$ teaspoonful; 4 to 6 months, $\frac{1}{2}$ teaspoonful; 6 to 9 months, $\frac{3}{4}$ teaspoonful; 12 months and over, 1 teaspoonful. Repeat in 3 or 4 hours if necessary"; (circular in German and other foreign languages accompanying certain sizes) "Directions—Dose for a child 1 week old, 6 drops; 2 weeks old, 8 drops; 1 month, 15 to 18 drops; 2 months, 20 to 25 drops; 3 to 4 months, $\frac{1}{2}$ [on some sizes " $\frac{1}{3}$ "] teaspoonful; 4 to 6 months, $\frac{3}{4}$

teaspoonful; 6 to 9 months, 1 teaspoonful; twelve or more months, 1½ teaspoonful. Repeat the dose every 3 to 4 hours if necessary", in that said statements were indicative that the preparation was a safe and appropriate remedy for infants and young children; whereas it was not since infants and young children are susceptible to poisoning from morphine, which was one of its ingredients. The article was alleged to be misbranded further in that the directions on the label and said circular, together with the picture on the circular of a baby, entitled "Kopp's Remedies for Babies and Children", were statements, designs, and devices regarding its curative or therapeutic effect and were false and fraudulent.

On April 9, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27265. Adulteration of alum boric douche powder and elixir of phenobarbital. U. S. v. Lynn C. Osineup and Frank Willard Osineup (CaPhenin Chemical Co.). Pleas of guilty. Fines, \$40 and costs. (F. & D. no. 37941. Sample nos. 23286-B, 23302-B.)

This case involved alum boric douche powder that did not possess the antiseptic strength claimed, and elixir of phenobarbital that contained a smaller amount of phenobarbital than that declared on the label.

On April 14, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lynn C. Osineup and Frank Willard Osineup, copartners trading as the CaPhenin Chemical Co., at Waverly, Iowa, alleging shipment by said defendants in violation of the Food and Drugs Act on or about June 25 and July 10, 1935, from the State of Iowa into the State of Wisconsin of a quantity of alum boric douche powder and a quantity of elixir phenobarbital that were adulterated. The articles were labeled in part: "Alum Boric Douche Powder * * * Antiseptic equivalent to 2% Phenol"; "Elixir Phenobarbital * * * Each fluid ounce contains: Phenobarbital 2 Grs. * * * CaPhenin Chemical Company, Waverly, Iowa."

The alum boric douche powder was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an antiseptic douche equivalent to 2 percent of phenol when used as directed; whereas it was not an antiseptic douche equivalent to 2 percent of phenol when used as directed.

The elixir of phenobarbital was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each fluid ounce of the article was represented to contain 2 grains of phenobarbital; whereas each fluid ounce contained less than 2 grains, namely, not more than 1.8 grains of phenobarbital.

On April 26, 1937, pleas of guilty were entered by the defendants and the court imposed fines of \$40 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27266. Adulteration and misbranding of elixir of terpin hydrate and codeine. U. S. v. Bernard Ulman (National Pharmaceutical Manufacturing Co.). Pleas of guilty. Fine, \$50 and costs. (F. & D. no. 38041. Sample no. 62889-B.)

This product was sold under a name recognized in the National Formulary, but fell below the standard established by that authority and also below the standard declared on the label.

On April 16, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bernard Ulman, trading as the National Pharmaceutical Manufacturing Co., Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act on or about April 7, 1936, from the State of Maryland into the District of Columbia of a quantity of elixir of terpin hydrate and codeine that was adulterated and misbranded. The article was labeled in part: "National Elixir Terpin Hydrate and Codeine (Elixir Terpin Hydratis Cum Codeinae) N. F. Alcohol 40% Each Fluidounce Represents, Codein 0.906 Gr. * * * The National Pharmaceutical Mfg. Co. Baltimore, Md."

It was alleged to be adulterated in that it was sold under a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in the formulary official at the

time of investigation, since it contained in each 1,000 cubic centimeters not more than 1.17 grams of codeine (equivalent to 0.54 grains per fluid ounce), whereas the formulary provides that elixir of terpin hydrate and codeine shall contain in each 1,000 cubic centimeters not less than 2 grams of codeine, and its own standard of strength, quality, and purity was not declared on the container; and in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be elixir of terpin hydrate and codeine which conformed to the standard laid down in the National Formulary, and each fluid ounce of the article was represented to contain 0.906 grain of codeine, whereas it was not elixir terpin hydrate and codeine which conformed to the standard laid down in the formulary, and it contained in each fluid ounce less than 0.906 grain, namely, not more than 0.54 grain of codeine.

The article was alleged to be misbranded in that the statement, "Elixir Terpin Hydrate and Codeine * * * N. F. * * * Each Fluidounce Represents, Codeine 0.906 Gr.", borne on the bottle label, was false and misleading.

On May 20, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27267. Misbranding of Dr. Corley's Daily Health Broth, Dr. Corley's Cor-Lax, and Dr. Corley's Tooth Powder. U. S. v. Buren L. Corley (Dr. Corley's Products). Plea of guilty. Fine, \$270. (F. & D. no. 38048. Sample nos. 65262-B, 65263-B, 65264-B, 67028-B, 67029-B.)

The labeling of these products contained false and fraudulent curative and therapeutic claims. The labeling of the Health Broth also contained false and misleading representations regarding its alkalizing, neutralizing, and nutritional properties; and that of Cor-Lax contained a false and misleading representation that it was not a drug.

On March 9, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Buren L. Corley, trading as Dr. Corley's Products, San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 13, 1936, from the State of California into the State of Washington of a shipment of each of the above-named products, and on or about January 25 and February 26, 1936, from the State of California into the State of Oregon of a quantity of the so-called "Health Broth" and a quantity of the Cor-Lax, all of which were misbranded. The articles were labeled in part: "Dr. Corley's Daily Health Broth [or "Dr. Corley's Cor-Lax"] Dr. Corley's Products—San Francisco"; "Dr. Corley's So Kleen Tooth Powder."

Analyses of samples of the articles showed that Cor-Lax consisted essentially of plant material including senna leaves, peppermint leaves, cascara bark, and fennel seed; that the tooth powder consisted essentially of calcium carbonate (81 percent), soap (11.2 percent), and sodium bicarbonate flavored with oil of wintergreen; and that the Health Broth consisted essentially of plant material including alfalfa leaf and stem, okra, tomato, capsicum, celery seed, onion, potato starch, starchy material (apparently from cereal), plant tissue resembling Irish moss, and small proportions of stem, leaf, and root tissues lacking in diagnostic tissue elements.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their curative and therapeutic effects, appearing on the labels and in accompanying circulars, were false and fraudulent in the following respects:

The Health Broth was falsely and fraudulently represented to be effective as a health broth, and as an excellent treatment for any sick person; effective as a treatment, remedy, and cure for mineral and vitamin deficiency diseases such as stomach trouble, gas, ulcers, all digestive upsets, skin ailments, nervousness, tiredness, run-down conditions, depleted blood condition, fatigue, all forms of rheumatism, anemia, red nose, excess acid, indigestion, acid stomach, skin conditions, and sleeplessness; effective when used in connection with Dr. Corley's Cor-Lax, as a treatment, remedy, and cure for acidosis, cancer, gastritis (inflammation of the stomach), dyspepsia, fermentation, superacidity, acid stomach, asthma, auto-intoxication, biliousness, bronchitis, catarrhal troubles, gas, indigestion, high blood pressure, hay fever, liver and gall-bladder trouble, low blood pressure, rheumatism, skin eruptions, sinus trouble, tired, worn-out feeling, blotches, acne, poor appetite, nervous indigestion, rash, nervous

breakdown, stomach ulcers, colitis, hives, jaundice, liver trouble, pimples, sick headaches, tonsillitis, arthritis, diabetes, Bright's disease, sallow complexion, halitosis, stubborn constipation, weakened, exhausted, prolapsed (sagging), and dilated intestines, toxemia, heart trouble, influenza, pneumonia, tuberculosis, systemic acidity, acid indigestion, excess acid of the blood stream, liver congestion, bloating, sore stomach, inflamed digestive tract, rheumatic ailments such as arthritis, neuritis, lumbago, and muscular rheumatism, acid pains and aches, torpid liver, sluggish liver, gallstones, kidney stones, cirrhosis, over-worked, acute, congested liver conditions such as biliousness, gall-bladder attacks, jaundice, sick headaches, nausea and vomiting, squeezing headaches, canker sores, dizzy spells, hysteria, palpitation of the heart, underweight, anemia, loss of appetite, pains in back, aching legs, pains in the small of the back, pains in the abdomen, restlessness at night, gassy stomach, gout, gastric ulcer, chronic disease, and stubborn disease; effective to induce sound and peaceful sleep, and to be beneficial in replenishing and furnishing the minerals and vitamins for the average person whose blood stream is deficient in the necessary or essential elements; and effective when used in connection with Dr. Corley's Cor-Lax, as a preventive of cancer, to produce energy and pep, to make the skin clear and smooth, to regulate the intestines and to rebuild their tone and health, to cleanse, rebalance, purify and rebuild the system, thereby preventing incurable disease; to cleanse and purify the liver, to correct digestive disturbances, flush and cleanse the gall bladder, and to clear away the toxic materials.

The Cor-Lax was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for different ailments; effective as a relief for over-acid system, upset stomach, gas and bloating, aching muscles, sore nerves and joints, congested liver, cancer, tuberculosis, diabetes, kidney, and heart trouble; effective as a treatment, remedy, and cure for gas pains, acid stomach, bloated stomach and intestines, pains and aches, chronic diarrhea, nervousness, insomnia, boils, skin eruptions, kidney and catarrhal disorders, back pains, leg and body tiredness, headaches, dizzy spells, liver ailments, blood pressure, blood vessel conditions, rheumatism, bad breath, pneumonia, biliousness, sick headaches, loss of appetite, system poisoning, high blood pressure, and low blood pressure; effective to produce pep, a good complexion, soft skin, firm nails, lustrous hair, and a sparkle in the eyes; effective to sweep and clear away those acid poisons which cause so much suffering and sickness; effective as a liver cleanser and as a relief to those who suffer from constipation and subsequent ailments; effective to empty the mucus, acids, and poisons from the blood stream, to sweep acids from the system, to purify the liver and to help neutralize gas and cleanse the intestines, to sweep the acid, toxic poisonous substances out of the system, stomach, and intestinal tract, and to prevent high blood pressure and a stroke; effective when used in connection with Dr. Corley's Health Broth, as a treatment, remedy, and cure for acidosis, cancer, gastritis (inflammation of the stomach), dyspepsia, fermentation, superacidity, asthma, auto-intoxication, bronchitis, catarrhal trouble, gas, indigestion, hay fever, liver and gall-bladder trouble, sinus trouble, tired, worn-out feeling, blotches, acne, poor appetite, nervous indigestion, rash, nervous breakdown, stomach ulcers, colitis, hives, jaundice, liver trouble, pimples, tonsillitis, arthritis, diabetes, Bright's disease, sallow complexion, halitosis, stubborn constipation, weakened, exhausted, prolapsed (sagging) and dilated intestines, toxemia, heart trouble, influenza, tuberculosis, systemic acidity, acid indigestion, excess acid of the blood stream, liver congestion, bloating, sore stomach, inflamed digestive tract, rheumatic ailments such as arthritis, neuritis, lumbago, and muscular rheumatism, acid pains and aches, torpid liver, sluggish liver, gallstones, kidney stones, cirrhosis, over-worked, acute, congested liver conditions such as biliousness, gall-bladder attacks, jaundice, sick headaches, nausea and vomiting, squeezing headaches, canker sores, hysteria, palpitation of the heart, underweight, anemia, aching legs, pains in the small of the back, pains in the abdomen, restlessness at night, gassy stomach, gout, gastric ulcer, chronic disease, and stubborn disease; and effective when used in connection with Dr. Corley's Daily Health Broth, as a preventive of cancer, to produce energy and pep, to make the skin clear and smooth, to regulate the intestines and to rebuild their tone and health, to cleanse, rebalance, purify, and rebuild the system, thereby preventing incurable disease, to cleanse and purify the liver, to correct digestive disturbances, to flush and cleanse the gall bladder, and to clear away the toxic materials. The Cor-Lax was alleged to be misbranded further in that the statement "is not a

Drug", contained in a circular shipped with it, was false and misleading since it was a drug.

The tooth powder was falsely and fraudulently represented to be effective to preserve the gums.

The Health Broth was alleged to be misbranded further in that the statement on the label, "One level teaspoonful to each cup or bowl of any soup makes it 9 times more alkalizing, neutralizing and nutritious than ordinary soup", was false and misleading since 1 teaspoonful of the article added to each cup or bowl of soup would not make it nine times more alkalizing, neutralizing, or nutritious than ordinary soup.

On May 24, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$270.

H. A. WALLACE, *Secretary of Agriculture.*

27268. Adulteration and misbranding of ampuls of Thelestrin Ovarian Follicular Hormone. U. S. v. 2 Packages, 2 Packages, and 8 Packages, each containing six 1-cc Ampuls of Thelestrin Ovarian Follicular Hormone. Default decrees of forfeiture and destruction. (F. & D. nos. 38297, 38298. Sample nos. 7002-C, 7003-C.)

This product contained less than 75 international units of ovarian follicular hormone per cubic centimeter, which was less than 18 percent of the potency declared on the label.

On September 14 and September 21, 1936, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12 packages, each containing six 1-cubic centimeter ampuls, of Thelestrin Ovarian Follicular Hormone at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 11, 1935, and January 14 and June 15, 1936, by the G. W. Carnrick Co., from Newark, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Thelestrin Ovarian Follicular Hormone, One C. C. size, each C. C. contains 400 international units", since each cubic centimeter of the article did not contain 400 international units, but did contain less than 75 international units of ovarian follicular hormone per cubic centimeter, which was less than 18 percent of the potency designated on the label.

The article was alleged to be misbranded in that the statement, "Thelestrin Ovarian Follicular Hormone * * * 1 c. c. size, each c. c. contains 400 international units", was false and misleading.

On May 17, 1937, the G. W. Carnrick Co., claimant, having failed to file an answer to the libel, default decrees of forfeiture and destruction were entered.

H. A. WALLACE, *Secretary of Agriculture.*

27269. Adulteration and misbranding of Digitex. U. S. v. The Drug Products Co., Inc. Plea of guilty. Fine, \$300. (F. & D. no. 38611. Sample no. 8488-C.)

This drug had a potency of not more than two-thirds of that declared on the label.

On February 5, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Drug Products Co., Inc., Long Island City, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about July 3, 1936, from the State of New York into the State of New Jersey of a quantity of Digitex that was adulterated and misbranded. The article was labeled in part: "Digitex * * * A Stable, Buffered, Alcohol 78%, Glycerin Extract of Defatted Whole Leaf Digitalis of U. S. P. XI Strength of Tincture. Biologically Tested and Standardized by U. S. P. XI * * * The Drug Products Co. Long Island City, New York."

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to have the strength of tincture of digitalis prescribed in the eleventh edition of the United States Pharmacopoeia and was represented to be biologically standardized by the methods for testing prescribed by said pharmacopoeia; whereas it did not have more than two-thirds of the strength of tincture of digitalis as determined by the methods for testing tincture of digitalis prescribed by the pharmacopoeia.

The article was alleged to be misbranded in that the statement, "Extract of * * * Digitalis of U. S. P. XI Strength of Tincture, Biologically Tested and Standardized by U. S. P. XI * * * Methods", borne on the bottle label, was false and misleading since it represented that the article had the strength of tincture of digitalis prescribed by the eleventh edition of the United States Pharmacopoeia, and that it was biologically standardized by the methods for testing prescribed by the pharmacopoeia; whereas it did not have more than two-thirds of the strength of tincture of digitalis as determined by the methods for testing tincture of digitalis prescribed by the pharmacopoeia.

On March 2, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$300.

H. A. WALLACE, *Secretary of Agriculture.*

27270. Adulteration and misbranding of Amidobar Compound A. U. S. v. Bellevue Laboratories, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 38628. Sample no. 58219-B.)

This product contained less barbital than declared on the label.

On April 8, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bellevue Laboratories, Inc., at New York, N. Y., alleging shipment by said corporation in violation of the Food and Drugs Act on or about April 11, 1935, from the State of New York into the State of Wisconsin of a quantity of Amidobar Compound A that was adulterated and misbranded. It was labeled in part: "Tablets Amidobar Compound A Amidopyrine 2 Grain Barbital 1 Grain * * * Bellevue Laboratories, Inc., New York, N. Y."

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since each of the tablets was represented to contain 1 grain of barbital; whereas each tablet contained less than 1 grain, namely, not more than 0.65 grain, that is to say, not more than two-thirds of a grain of barbital.

It was alleged to be misbranded in that the statement "Tablets * * * Barbital 1 Grain", borne on the bottle label, was false and misleading since each of the tablets contained less than 1 grain of barbital.

On April 19, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

H. A. WALLACE, *Secretary of Agriculture.*

27271. Misbranding of San-Tone. U. S. v. Howell-Shrader Drug Co. and Andrew C. Howell. Pleas of nolo contendere. Fines, \$50 and costs. (F. & D. no. 38657. Sample no. 18602-C.)

The labeling on this veterinary preparation contained false and fraudulent curative and therapeutic claims. It contained no potassium iodide and no wormseed, two drugs which were listed as ingredients.

On April 12, 1937, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Howell-Shrader Drug Co., a corporation, Iowa City, Iowa, and Andrew C. Howell, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about August 19, 1936, from the State of Iowa into the State of Illinois of a quantity of San-Tone that was misbranded. It was labeled in part: "San-Tone * * * Manufactured Only By Howell-Shrader Drug Co. Iowa City, Ia."

Analysis of the article showed that it consisted essentially of sodium chloride, sodium sulphate, and small proportions of ferrous sulphate, copper sulphate, plant material, sulphur, charcoal, carbonates, and phosphates. No potassium iodide nor wormseed was detected.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the label of the bags on the attached tags, and in the circular contained in the bags, falsely and fraudulently represented that it was effective as a tonic, regulator, worm expeller, and splendid conditioner; effective to assist in relieving and preventing certain diseases, to aid digestion, to tone the system, to completely cleanse the system, to relieve constipation, and to remove worms; effective as a treatment for flu in hogs; effective to loosen the bowels, to pass off poisons and to reduce body and bowel fever; effective as a treatment for badly constipated and feverish hogs, and for very sick hogs that refuse to eat or drink; effective

as a preventive of necro and to assist in curing and preventing necro in the intestines; and effective as a treatment for snuffles, green scours, loss of weight, necrotic enteritis, intestinal sores and ulcers, skin necro, and necrotic dermatitis. It was alleged to be misbranded further in that the statement "Potassium Iodide Wormseed", borne on the tag, was false and misleading since it represented that the article contained potassium iodide and wormseed; whereas it contained no potassium iodide and no wormseed.

On April 16, 1937, pleas of nolo contendere were entered on behalf of the defendants, and the court imposed a fine of \$25 and costs against each of the defendants, making a total fine of \$50 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27272. Misbranding of Mentho-Kerchief. U. S. v. 3,420 Packages and 108 Packages of Mentho-Kerchief. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38800. Sample nos. 26433-C, 26434-C, 26435-C.)

The labeling of this product contained false and fraudulent curative and therapeutic claims.

On December 15, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,420 10-cent packages and 108 25-cent packages of Mentho-Kerchief at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 3, 5, and 9, 1936, by the Rieser Co., Inc., from Shamokin, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the product showed that it consisted essentially of tissue paper impregnated with menthol and other perfume materials.

It was alleged to be misbranded in that the following statements regarding its therapeutic and curative effects, appearing on the labeling, were false and fraudulent: (Envelope, 10-cent size) "Use For * * * Sinus and Hay Fever * * * Nothing like Mentho-kerchief to soothe all types of * * * Sinus Trouble and Hay Fever"; (carton, 25-cent size) "Use For * * * Sinus and Hay Fever * * * Aids for * * * Sinus—Hay Fever and All Nasal Irritations * * * Nothing like Mentho-Kerchief to soothe all types of * * * Sinus Trouble and Hay Fever."

On February 20, 1937, the Rieser Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

H. A. WALLACE, *Secretary of Agriculture.*

27273. Adulteration and misbranding of Sealtex. U. S. v. 69 Boxes of Sealtex. Default decree of condemnation and destruction. (F. & D. no. 38854. Sample no. 25269-C.)

These adhesive plasters, represented on the label to be "Sterilized", contained viable aerobic and anaerobic bacteria.

On December 19, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 boxes of adhesive plasters labeled in part, "Sterilized Sealtex" at Milwaukee, Wis., alleging that they had been shipped in interstate commerce on or about November 6, 1936, by the Sealtex Corporation from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Sterilized", since it was not sterile but contained viable aerobic and anaerobic bacteria.

It was alleged to be misbranded in that the statement on the carton, "Sterilized", was false and misleading when applied to an article that was not sterile.

On April 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27274. Misbranding of Victory Vapor Balm. U. S. v. 4,893 Packages and 10 Cartons of Victory Vapor Balm. Default decrees of condemnation and destruction. (F. & D. nos. 39045, 39184. Sample nos. 17859-C, 17867-C.)

The labeling of this article contained false and fraudulent curative or therapeutic claims.

On February 5 and March 6, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court labels praying seizure and condemnation of 4,893 packages, and 10 wholesale cartons, each containing 72 packages, of Victory Vapor Balm at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 1, 1934, by the McKesson Colorado Wholesale Drug Co., from Denver, Colo., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of camphor, menthol, encalyptol, and pine oil, incorporated in an ointment base.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects appearing in the labeling, were false and fraudulent: (Retail carton) "A simple and practical treatment for Hay Fever. * * * Catarrh, Influenza, 'Flu', Asthma, Croup, Whooping Cough, Quinzy, Sore Throat, Branchitis and kindred diseases"; (tin box) "For Catarrh, * * * Tonsillitis, Croup, Asthma, Hay Fever, Chest Colds * * * Take this germ destroying * * * treatment"; (circular) "An Internal Vapor Bath For The Head, Nose, Throat, and Lungs * * * A simple and practical treatment for: Hay Fever Catarrh Cold in Head 'Flu' Quinzy Asthma Bronchitis Summer Colds * * * V. V. B. is the practical result of extensive experiments conducted in the hope of finding a cure for 'Flu,' Hay Fever, Cold in Head, Catarrh, Asthma and kindred diseases without having to take medicine, work an atomizer or snuff powder or ointment up the nose. V. V. B. is the perfected and improved method of applying medication to the head, throat and lungs in a practical, natural way. (See illustration No. 2) The medicated vapor is breathed and inhaled into the head, throat and lungs, reaching the affected membrane and tissues which no other treatment can do. (See illustration No. 3) It is no easy matter to treat affections of the air passages by internal medicine or external applications. Taking medicine into the stomach to relieve affections of the head, throat, lungs, etc., seems a very indirect treatment. You breathe in germs that cause the trouble, why not breathe in the medication that destroys the germs. How to Avoid The 'Flu.' Breathe in the vapor from V. V. B. and kill the germs before they become dangerous, or active. The very first treatment of V. V. B. opens your clogged up nostrils and the air passages of the head; stops nose running; relieves the headache, dullness, feverishness and sneezing. The vapor from V. V. B. will strengthen and aid in clearing the eyes and overcome the inflammation and watering. * * * Especially Good For Children * * * The heat of the body will absorb the medication while they sleep. * * * This preparation has been found particularly efficacious as an adjunct in the treatment of Catarrh, Cold in the Head, and Hay Fever."

On February 25 and March 23, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27275. Misbranding of He-She Antiseptic Vaginal Suppositories, R-P 60 Bladder and Gland Remedy, and Ra-Ed-O Pile Suppositories. Default decree of condemnation and destruction. (F. & D. nos. 39110, 39111, 39112. Sample nos. 12841-C, 12842-C, 12843-C.)

The labeling of these products contained false and fraudulent curative and therapeutic claims.

On February 23, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 boxes of He-She Antiseptic Vaginal Suppositories, 12 bottles of R-P 60 Bladder and Gland Remedy, and 22 boxes of Ra-Ed-O Pile Suppositories at Fort Wayne, Ind., alleging that the articles had been shipped in interstate commerce on or about November 23 and December 16, 1936, by the Helm Co., from Benton Harbor, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the He-She Antiseptic Vaginal Suppositories consisted essentially of cacao butter and boric acid with small amounts of salicylic acid and quinine; that the R-P 60 Bladder and Gland Remedy consisted essentially of water and extracts of plant drugs including a laxative plant drug, and a small amount of a salicylate; and that the Ra-Ed-O Pile Suppositories consisted essentially of cacao butter with small amounts of quinine, salicylates, iron compounds, and sulphates.

The R-P 60 Bladder and Gland Remedy was alleged to be misbranded in that the design on the leaflet accompanying the package which represented the following portions of the human anatomy—kidney, bladder, prostate, urethra, rectum, anus, and a portion of the spinal cord—was false and fraudulent, since it indicated to the purchaser that the article would be of value in treating diseased conditions of those portions of the human anatomy; whereas it would be of no value in treating such diseased conditions. Misbranding of the R-P 60 Bladder and Gland Remedy was alleged for the further reason that the bottle label, carton, and an enclosed circular contained false and fraudulent representations regarding its effectiveness as a bladder and gland remedy; its effectiveness in the treatment of backache, foot and leg pains (sciatica), lowered vitality, nervousness, worry, frequent urination, bladder trouble; its effectiveness upon the urinary tract and in allaying inflammation of the bladder, prostate, and urethra; its effectiveness in the treatment of gastric and intestinal fermentation, cystitis, aches in the pelvic region or the perineum (crotch), stinging and burning sensation during and after passing urine; pus and smarting of the bladder, and colitis; and its effectiveness to help the digestion.

The remaining products were alleged to be misbranded in that certain statements in the labeling regarding their curative and therapeutic effects were false and fraudulent. The statements in the labeling of the products which this Department deemed to be false and fraudulent were as follows: (He-She Antiseptic Vaginal Suppositories, carton) "Preventative for Whites or Leucorrhoea" (circular) "The Ounce of Prevention Modern science has discovered and perfected these new vaginal suppositories. Intensely powerful and far more effective in its way, He-She works into the folds and crevices where the danger of germ-growth and infection lies—kills all germ life and prevents any chance of germ development and infection. It is healing and harmless to the delicate internal membranes and can be used as often as desired with only beneficial results. He-She remains in the cavity indefinitely. Recommended and prescribed by eminent physicians. * * * He-She is absolutely harmless. * * * can be used without fear of injury. * * * as a soothing stimulant or tonic can be used beneficially by every woman"; (Ra-Ed-O Pile Suppositories, carton) "Pile Suppositories * * * Relief will be noted after a day, but continue treatment until relieved. For all forms of Piles—Bleeding, Itching, Protruding", (circular) "Pile Suppositories For effective treatment of Piles * * * Directions found on the cover containing the remedy * * * How Ra-Ed-O suppositories cause the prompt relief from pain in the rectum is because they relieve the irritation and inflammation of the anus. * * * They are an excellent antiseptic and healing tonic. They obviate an operation in a good many cases and also prevent the trouble recurring."

On March 31, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

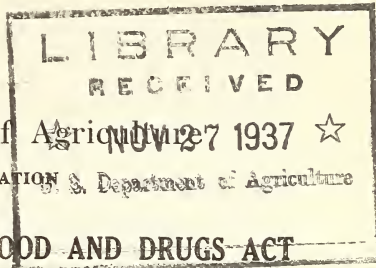
H. A. WALLACE, *Secretary of Agriculture.*

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Williams Turkey Tonic:			
Williams Turkey Tonic Co-----	27257		
Witch hazel:			
Gotham Sales Co-----	27233		
Zo-Ro-Lo:			
Brewer, J. C-----	27260		
Zonalife:			
Zonalife Distributors-----	27245		



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United States Department of Agriculture NOV 27 1937 ☆

FOOD AND DRUG ADMINISTRATION U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27276-27350

[Approved by the Secretary of Agriculture, Washington, D. C., October 2, 1937]

27276. Alleged adulteration of apple chops. U. S. v. 993 Sacks of Apple Chops. Tried to the court. Judgment dismissing libel. Affirmed by Circuit Court of Appeals. (F. & D. no. 35390. Sample no. 27266-B.)

On April 16, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 993 sacks of apple chops at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 27, 1935, by the Washington Dehydrated Food Co., from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

The Washington Dehydrated Food Co. having appeared as claimant, the trial of the case was commenced on February 13, 1936, before the court without a jury and was concluded on February 14, 1936. The issues were submitted to the court on briefs. On May 4, 1936, the court found that the product was not adulterated, was not subject to forfeiture, and that it should be released; and on the same date entered judgment that the libel be dismissed and the product released.

The Government filed its assignment of errors and petition for appeal to the Circuit Court of Appeals for the Eighth Circuit, which was allowed July 30, 1936.

On April 24, 1937, the judgment of the district court was affirmed by the Circuit Court of Appeals in the following opinion:

SANBORN, Circuit Judge: The United States, in April 1935, filed a libel in the court below under Paragraph 10 of the Federal Food and Drugs Act of June 30, 1906 (34 Stat. 768; 21 U. S. C. Paragraph 14), praying for the seizure and condemnation of 993 sacks, more or less, of apple chops (dehydrated sliced or chopped apples used for making apple butter) which had been shipped by the appellee from Yakima, Washington, to the account of the American Syrup and Sorghum Company at St. Louis, Missouri. The apple chops were alleged to be adulterated within the meaning of paragraph 7 of the Food and Drugs Act (21 U. S. C. paragraph 8) in that they contained added poisonous and deleterious ingredients, namely, arsenic and lead, which may render the chops injurious to health.

The appellee appeared as claimant and filed an answer denying that the apple chops were adulterated within the meaning of the Food and Drugs Act. The case came on for trial before the court, a jury having been waived. The Government called as witnesses five experts whose opinion evidence tended to prove that the apple chops and the apple butter which would be produced from the chops would have such a content of lead and arsenic as might render the chops and the apple butter injurious to health. The claimant called three experts whose opinions indicated their belief that the quantities of lead and arsenic which were in the apple chops would not produce an apple

butter which would or might be injurious to health. The court found in favor of the appellee. Its findings are set forth in the footnote.¹

The trouble with these apple chops was that they were made of apples which had been sprayed with arsenate of lead during the growing season, and that a small residue of the spraying compound had remained upon the apples after washing and had been carried over into the apple chops. The evidence is undisputed that apple chops as such are not used as food, but are used in the making of apple butter, jelly, and cider, the particular apple chops here involved being intended for use in the making of apple butter. It is also undisputed that apple butter made from apple chops containing arsenate of lead will retain about one-fifth as much of the poisonous substance as is contained in the chops from which the butter is made.

The contention of the Government upon this appeal is that the evidence was virtually undisputed, and that it compelled a finding by the trial court that these apple chops have an arsenic and lead content which may render them, and the product to be made from them, injurious to health.

We think it is unnecessary to set forth the evidence in detail. We have already stated that it consisted entirely of opinions of experts who differed materially as to the amount of arsenic and lead which would or which might make a food product injurious to health, as to how much lead and arsenic could safely be taken into the human system, as to the solubility of arsenic and lead compounds in the gastric juices, as to human tolerances for lead and arsenic both in organic and in inorganic forms, and as to the ability of the human system to throw off excess amounts of these poisons accumulated over long periods of time. The Government's experts were of the opinion that even infinitesimal amounts of these poisons contained in food might, if such food was regularly eaten during a considerable period of time, produce in some consumers chronic lead or arsenic poisoning; while the claimant's experts were not in accord, and expressed the belief that lead and arsenic were largely insoluble in the gastric juices and that the body would throw off excess amounts of such poisons accumulated through the eating of food products containing such amounts as were found in the apple chops here involved and in the apple

¹(1) That Washington Dehydrated Food Company is and at all times herein mentioned was a corporation organized and existing under and by virtue of the laws of the State of Washington.

(2) That Washington Dehydrated Food Company was and is the owner and shipper of the 993 sacks, more or less, Apple Chops referred to and constituting the subject matter of said libel, and has asserted claim to the same as such owner and shipper.

(3) That said apple chops were transported from the State of Washington to the State of Missouri in interstate commerce for sale.

(4) That apple chops are dehydrated sliced apples, the process of manufacturing being substantially as follows: The raw apples after being shipped to the Claimant are washed and cleansed to remove as much of the spray residue—which spray consists of arsenate of lead placed on the apple blossoms and maturing apples to prevent them from being attacked by the codling moth—as possible and after being washed and cleansed are sliced without peeling or coring. The slices are then dehydrated, removing all of the water from the apples and reducing the volume of the apples to one-fifth of their former volume.

(5) That the apple chops constituting the subject-matter of the libel had a content of lead, expressed as metallic lead, ranging from .056 grains per pound of product to .164 grains per pound, and an arsenic content, in the form of arsenic trioxide, ranging from .018 grains per pound to .081 grains per pound; said arsenic and lead being derived from the arsenate of lead sprayed on the raw apples.

(6) That apple chops are not as such used for food, drink, confectionery or condiment by man or other animals—whether simple, mixed, or compound—but that they are used in the manufacture of other articles, such as apple butter, syrups, and cider, which are used as food, drink, confectionery, or condiment by man or other animals; and that the apple chops, the subject matter of this libel, were transported to St. Louis to be manufactured into apple butter.

(7) That in the process of making apple chops into apple butter the apple chops are placed in a converter and cooked to a very high temperature and water and sugar added, approximately the original amount of water previously eliminated in the dehydrating of the raw apple being restored; and that before the apple butter is completed the pomace or pulp is removed and that a good deal of the spray residue is found in the calyx and stem ends of the apple which are contained in the pulp; that the finished apple butter will have a content of arsenic and lead of one-fifth, or less than one-fifth, of the arsenic and lead content of the apple chops from which the apple butter is manufactured.

The vital findings of fact are these:

(8) That the residue of the substances used in spraying growing apples did not constitute the addition of a poisonous or other deleterious ingredient which might render the apple chops in question injurious to health; that the apple chops in question were not adulterated within the Food and Drugs Act.

(9) That the apple butter into which the apple chops in this case would be manufactured would not have an arsenic or lead content which might render the apple butter injurious to health; that the apple butter would not be adulterated within the Food and Drugs Act.

butter which would be made therefrom. It is obvious that the question whether such an amount of arsenate of lead as is present in these apple chops and would be present in the apple butter made from them may make the chops and the resulting butter injurious to health, is, under the evidence, a controversial and doubtful question of fact. It is to be noted in this connection that no expert who testified upon the trial was able to say that he knew of any case of lead or arsenic poisoning resulting from eating apples which had been sprayed with arsenate of lead, or the products of such apples.

The burden of proving the facts alleged in this libel as the basis for the condemnation of the apple chops was upon the Government. The duty of passing upon the credibility of the witnesses and the weight of their evidence, and of determining the issues of fact, was that of the trial court. While the trial judge, in determining the issues of fact, was not free to disregard the uncontradicted evidence of unimpeached and credible witnesses, he was not obliged to accept as true and controlling evidence which, although uncontroverted, might be regarded as unreasonable or improbable, or from which reasonable men might honestly draw different conclusions. *Quock Ting v. United States*, 140 U. S. 417; *F. T. Dooley Lumber Co. v. United States* (C. C. A. 8), 63 F. (2d) 384, 388, and cases therein cited; *Reis v. Reardon* (C. C. A. 8), 18 F. (2d) 200, 202; *Rasmussen v. Gresly* (C. C. A. 8), 77 F. (2d) 252, 254.

Where a jury is waived, a trial judge functions as both judge and jury, and his findings of fact are in all respects as final and conclusive as a verdict of a jury would have been had the issues of fact been determined by verdict.

In *Dooley v. Pease*, 180 U. S. 126, 131, 21 S. Ct. 329, 331, 45 L. Ed. 457, the court said:

"Where a case is tried by the court, a jury having been waived, its findings upon questions of fact are conclusive in the courts of review, it matters not how convincing the argument that upon the evidence the findings should have been different. *Stanley v. Supervisors*, 121 U. S. 547, 7 S. Ct. 1234, 30 L. Ed. 1000, 1002.

"Errors alleged in the findings of the court are not subject to revision by the circuit court of appeals, or by this court, if there was any evidence upon which such findings could be made. *Hathaway v. National Bank*, 134 U. S. 498, 10 S. Ct. 608, 33 L. Ed. 1004, 1006; *St. Louis v. Rutz*, 138 U. S. 241, 11 S. Ct. 337, 34 L. Ed. 941, 946; *Runkle v. Burnham*, 153 U. S. 225, 14 S. Ct. 837, 38 L. Ed. 694, 697."

See also *United States v. Worley* (C. C. A. 8) 42 F. (2d) 197, 199; *Majestic Co. v. Orpheum Circuit* (C. C. A. 8) 21 F. (2d) 720, 731; *Simmons v. Utah Copper Co.* (C. C. A. 8) 15 F. (2d) 780, 782.

A finding of fact contrary to the weight of the evidence is an error of fact which cannot be reviewed. *Wear v. Imperial Window Glass Co.* (C. C. A. 8) 224 F. 60, 63; *Allen v. Cartan & Jeffrey Co.* (C. C. A. 8) 7 F. (2d) 21, 22; *Denver Live Stock Commission Co. v. Lee* (C. C. A. 8) 18 F. (2d) 11; *Federal Intermediate Credit Bank v. L'Herisson* (C. C. A. 8) 33 F. (2d) 841, 843; *F. T. Dooley Lumber Co. v. United States* (C. C. A. 8), 63 F. (2d) 384, 388. See, also, *Davies v. Home Trust Co.* (C. C. A. 8) 83 F. (2d) 124; *Clark v. Mutual Loan & Investment Company* (C. C. A. 8), 88 F. (2d) 202.

The situation here is not materially different from that described in *United States v. Lexington Mill Co.*, 232 U. S. 399, at page 407, as follows:

"Without reciting the testimony in detail it is enough to say that for the Government it tended to show that the added poisonous substances introduced into the flour by the Alsop Process, in the proportion of 1.8 parts per million, calculated as nitrogen, may be injurious to the health of those who use the flour in bread and other forms of food. On the other hand, the testimony for the respondent tended to show that the process does not add to the flour any poisonous or deleterious ingredients which can in any manner render it injurious to the health of a consumer. On these conflicting proofs the trial court was required to submit the case to the jury." (Italics supplied.)

In determining the ultimate fact, the court below was not bound to accept opinions of expert witnesses as conclusive. Expert opinions are controlling only insofar as found to be reasonable, and their weight is for the trier of the facts to determine. No rule of law compels him to give a controlling influence to opinions of experts or to surrender his own judgment. *The Conqueror*, 166 U. S. 110, 131, 133; *Aetna Life Ins. Co. v. Ward*, 140 U. S. 76, 88; *Baltimore & O. R. Co. v. Groeger* (C. C. A. 6), 288 F. 321, 323 (reversed on other grounds, 266 U. S. 521); *Norton v. Jensen* (C. C. A. 9), 49 F. 859, 864; *Baltimore & O. R. Co. v. Commissioner* (C. C. A. 4), 78 F. (2d) 460, 465; *United States v. Bowman*

(C. C. A. 10), 73 F. (2d) 716, 721; *Head v. Hargrave*, 105 U. S. 45, 49; *Dayton Power & Light Co. v. Public Utilities Commission*, 292 U. S. 290, 299.

What the Government really seeks is a reversal of the judgment on the ground that the trial court decided an issue of fact contrary to the weight of the evidence. This court has no power to retry the action and to render such judgment as in its opinion should have been rendered by the trial court. *Geiger v. Tramp* (C. C. A. 8), 291 F. 353, 355.

The judgment is affirmed.

On May 28, 1937, the Circuit Court of Appeals denied the Government's petition for a rehearing.

H. A. WALLACE, *Secretary of Agriculture*.

27277. Adulteration of phosphate of lime. U. S. v. 106 Barrels of Phosphate of Lime. Decree of condemnation. Product released under bond to be denatured. (F. & D. no. 35776. Sample no. 31920-B.)

This product contained an excessive amount of fluorine.

On July 17, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 barrels of phosphate of lime at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about April 11, 1935, by the Bay Chemical Co., from Weeks, La., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Phosphate of Lime (Calcium) (Dibasic) 325 Mesh Bay Chemical Co. New Orleans, La."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, fluorine, which might have rendered it injurious to health.

On June 15, 1937, the Bay Chemical Co. having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be denatured in such manner that it could not be disposed of for human consumption.

H. A. WALLACE, *Secretary of Agriculture*.

27278. Adulteration and misbranding of toffee. U. S. v. Scharf Bros. Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 35898. Sample nos. 38867-A, 50593-A, 422-B, 6587-B, 6588-B.)

These candies were all misbranded because the packages contained less than the declared weight, and certain lots were falsely labeled as to the name of the manufacturer. One lot, represented to be "Rum and Butter Toffee", contained fat other than butterfat and imitation rum flavor.

On January 27, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Scharf Bros. Co., Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended between the dates of February 2, 1934, and August 17, 1934, from the State of New York into the States of Ohio, California, and Connecticut of quantities of toffee which was misbranded and a part of which was adulterated. The article was variously labeled in part: "Gala Assorted Toffee 5¼ ounces net Scharf Bros. Co., Inc. New York"; "Park & Tilford Toffee P & T One Pound with wrappers Net Weight 15¼ Ozs. Park & Tilford New York Paris * * * Rum & Butter Toffee"; "Gala Toffees Scharf Bros. Co., Inc., New York 1 lb. net [or "5½ Ounces"]."

A portion of the article was alleged to be adulterated in that a product containing fat other than butterfat and containing artificial rum flavor in imitation of rum had been substituted for rum and butter toffee, which the article purported to be.

All shipments were alleged to be misbranded in that the statements "5¼ ounce Packages", "5¼ Ounces Net", "1 lb. Net", "5½ Ounce packages", and "5½ Ounces" with respect to portions of the article and the statements, "Park & Tilford Toffee P & T one pound with wrappers Net Wt. 15¼ ozs. Park & Tilford New York Paris, Park & Tilford Rum & Butter [or "Caramel", "Mint", "Chocolate", "Licorice", or "Dairy"] Toffee Park & Tilford Assorted Toffee * * * Pound", with respect to certain lots were false and misleading and were borne on the labels so as to deceive and mislead the purchaser since the packages contained less than declared on the label and the lot labeled "Rum and Butter" contained fat other than butterfat and artificial rum flavor, and the lots labeled "Park & Tilford" were not manufactured by Park & Tilford but were manufactured by Scharf Bros. Co., Inc. The so-called rum and butter toffee was alleged to be

misbranded further in that it was offered for sale under the distinctive name of another article, rum and butter toffee; and all lots were alleged to be misbranded further in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On April 1, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

H. A. WALLACE, *Secretary of Agriculture.*

27279. Adulteration of canned tuna fish. U. S. v. Van Camp Sea Food Co., Inc. Tried to the court. Judgment of guilty. Fine, \$300. Affirmed by Circuit Court of Appeals. (F. & D. no. 36086. Sample nos. 26590-B, 26591-B, 26657-B.)

This case involved canned tuna samples of which were found to be decomposed.

On December 27, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Van Camp Sea Food Co., Inc., Terminal Island, Calif., alleging shipment by said company in violation of the Food and Drugs Act on March 3, 1935, from the State of California into the State of Nevada of a quantity of canned tuna fish which was adulterated. The article was labeled in part: "White Star * * * California Fancy Tuna Fish Packed and Guaranteed by White Star Canning Co., Los Angeles, Calif. Division of Van Camp Sea Food Co., Inc."

It was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On July 28, 1936, the case came on for trial before the court without a jury. The court having heard the evidence on behalf of the defendant and the Government, found the defendant guilty and imposed a fine of \$300. On April 15, 1937, the case having been appealed to the Circuit Court of Appeals for the Ninth Circuit, the judgment of the district court was affirmed without an opinion.

H. A. WALLACE, *Secretary of Agriculture.*

27280. Adulteration of walnut meats. U. S. v. Louis Groobman (Whittier Walnut Packing Co.). Plea of guilty. Fine, \$300. (F. & D. no. 37035. Sample no. 54418-B.)

This case involved walnut meats that were in part moldy, wormy, and rancid.

On May 22, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Louis Groobman trading as Whittier Walnut Packing Co., at Whittier, Calif., alleging shipment by said company in violation of the Food and Drugs Act on or about November 22, 1935, from the State of California into the State of Washington of a quantity of walnut meats which were adulterated. The article was labeled in part: "Order Whittier Walnut Packing Company Whittier, Calif. * * * Bakers Special Walnut Meats."

It was alleged to be adulterated in that it consisted in part of a filthy or decomposed vegetable substance.

On May 20, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$300.

H. A. WALLACE, *Secretary of Agriculture.*

27281. Adulteration of canned salmon. U. S. v. 2,258 Cases of Canned Salmon. Portion of product released unconditionally. Remainder condemned and released under bond. (F. & D. no. 37494. Sample no. 66815-B.)

This case involved canned salmon a part of which was decomposed.

On March 13, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,258 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 9, 1936, by the Alaska Pacific Salmon Co., from Rose Inlet, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of decomposed animal substances.

On May 3, 1937, the Alaska Pacific Salmon Co., a corporation, having appeared as claimant, judgment was entered exonerating 964 cases of the product and ordering its release, and condemning the remainder and ordering its release under bond conditioned that it should not be disposed of in violation of law.

H. A. WALLACE, *Secretary of Agriculture.*

27282. Adulteration of flour. U. S. v. 4,000 24-Pound Sacks of Flour. Product released under bond conditioned that good portion be used for animal feed. (F. & D. no. 37603. Sample nos. 63156-B, 63157-B.)

This product was in part moldy and filthy as a result of contact with flood waters.

On April 21, 1936, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4,000 24-pound sacks of flour at Cedar Rapids, Iowa, alleging that the article had been shipped in interstate commerce on or about March 28, 1936, by the Quaker Oats Co., of Chicago, Ill., from Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Red Top Flour * * * Packed for M. Rom & Sons Company, Pittsburgh, Pa."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On June 30 and August 3, 1936, the Quaker Oats Co., claimant, having consented thereto, a decree and a supplemental decree, respectively, were entered finding that the product was adulterated because of contact with flood waters but that the good portion when salvaged and processed, had some value as feed for animals, and ordering that it be released under bond conditioned that the good portion be processed into animal feed and that no part thereof be used as food for human consumption.

H. A. WALLACE, *Secretary of Agriculture.*

27283. Misbranding of canned peas. U. S. v. 76 Cases and 76 Cases of Canned Peas. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 37706, 39211. Sample nos. 62677-C, 17934-C.)

This product was substandard because the peas were not immature, and was not labeled to indicate that it was substandard.

On May 5, 1936, and March 12, 1937, the United States attorneys for the Southern District of West Virginia and the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 76 cases of canned peas at Charleston, W. Va., and 76 cases of canned peas at Brooklyn, N. Y., alleging that they had been shipped in interstate commerce in part on or about February 13, 1936, and in part on or about February 9, 1937, by Phillips Packing Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Vimpep [or "Choptank Brand"] * * * Early June Peas, Phillips Sales Co., Inc., Cambridge, Md., U. S. A. Distributors."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, as evidenced by the high percentage of ruptured peas, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below said standard.

On August 4, 1936, and May 14, 1937, the Phillips Sales Co., Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

H. A. WALLACE, *Secretary of Agriculture.*

27284. Adulteration of canned salmon. U. S. v. Diamond K Packing Co. Plea of guilty. Fine, \$10 and costs. (F. & D. no. 37978. Sample no. 65181-C.)

This case involved canned salmon that was in part decomposed.

On September 24, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Diamond K Packing Co., a corporation having a place of business at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act on or about September 5, 1935, from the Territory of Alaska into the State of Washington of a quantity of canned salmon that was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 20, 1937, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$10 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27285. Adulteration and misbranding of butter. U. S. v. Challenge Cream & Butter Association. Plea of guilty. Fine, \$50. (F. & D. no. 38002. Sample nos. 46707-B, 46725-B, 46730-B, 46732-B, 46740-B.)

This case involved butter that contained less than 80 percent of milk fat.

On September 12, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Challenge Cream & Butter Association, a corporation, at San Francisco, Calif., alleging that the defendant sold on or about January 14, 28, and 31, 1936, to the American Factors, Ltd., San Francisco, Calif., quantities of butter under a guaranty that it complied with the requirements of the Federal Food and Drugs Act; that subsequently the American Factors, Ltd. shipped the article in the identical condition as when so sold on or about the date of said sale from the State of California into the Territory of Hawaii, and that the article was adulterated and misbranded in violation of said act. The information further alleged that the defendant company had shipped on or about January 21, 1936, from the State of California into the Territory of Hawaii a quantity of butter that was adulterated and misbranded. The cases were labeled in part: "Challenge Butter Challenge Cream & Butter Assn." A portion of the cartons were labeled: "The Genuine Modesto Butter * * * Manufactured By Milk Producers Association of Central California." The remainder of the cartons were labeled: "Danish Creamery Pasteurized Butter Danish Creamery Association Distributed by Challenge Cream and Butter Ass'n. Los Angeles."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the said article purported to be.

It was alleged to be misbranded in that there were borne on the cases and cartons aforesaid the statements "Challenge Butter" and "The Genuine Modesto Butter", respectively; in that said article contained less than 80 percent by weight of milk fat; that each of said statements was false and misleading when applied to an article of food containing less than 80 percent by weight of milk fat.

On May 22, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

H. A. WALLACE, *Secretary of Agriculture.*

27286. Adulteration of canned salmon. U. S. v. Libby, McNeill & Libby, a corporation. Plea of guilty. Fine, \$25. (F. & D. no. 38015. Sample nos. 40884-B, 40922-B, 65188-B, 66834-B.)

This case involved canned salmon that was decomposed in part.

On December 30, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information (amended March 10, 1937) against Libby, McNeil & Libby, a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act during the months of July and August 1935, from the Territory of Alaska into the State of Washington of a number of cases of canned salmon that was adulterated. A portion of the article was labeled: "Libby Fancy Red Alaska Salmon Packed in Alaska by Libby, McNeill & Libby Chicago."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On June 1, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27287. Adulteration of canned salmon. U. S. v. Pacific American Fisheries, Inc. Plea of guilty. Fine, \$85 and costs. (F. & D. no. 38032. Sample nos. 55178-B, 55569-B, 63083-B, 63084-B.)

This case involved canned salmon that was in part decomposed.

On December 18, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pacific American Fisheries, Inc., trading at South Bellingham, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 15, 1935, and February 27, 1936, from the State of Washington into the States of Illinois and Minnesota of quantities of canned salmon that was adulterated. Portions of the article were labeled: (Cans) "White City Brand Fancy Pink Salmon * * * Samuel Kunin & Sons, Inc. Distributors Chicago, Ill."; and "Table Talk Alaska Red Sockeye Salmon * * * Table Talk Food Products Packed for Rust-Parker

Company, Duluth, Minn." A portion was contained in cases marked: "Omar Grade Salmon Unlabeled."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 5, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$85 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27288. Adulteration of olives. U. S. v. Lindsay Ripe Olive Co. Plea of nolo contendere. Fine, \$100. (F. & D. no. 38038. Sample no. 59226-B.)

This case involved olives that contained arsenic in an amount which might have rendered them injurious to health.

On September 21, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lindsay Ripe Olive Co., a corporation, Lindsay, Calif., alleging interstate shipment by said company in violation of the Food and Drugs Act on or about November 17, 1934, from the State of California into the State of Nebraska of a quantity of olives that were adulterated. The article was labeled in part: "Lindsay Brand Sicilian Style California Olives * * * Packed By Lindsay Ripe Olive Company Lindsay California."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which might have rendered it injurious to health.

On March 30, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$100.

H. A. WALLACE, *Secretary of Agriculture.*

27289. Misbranding of cottonseed cake and meal. U. S. v. Transit Milling Co. Plea of guilty. Fine, \$50. (F. & D. no. 38054. Sample no. 41910-B.)

This case involved cottonseed cake and meal that contained less protein than declared on the label.

On December 9, 1936, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Transit Milling Co., a corporation, Sherman, Tex., alleging shipment by said company in violation of the Food and Drugs Act on or about April 20, 1936, from the State of Texas into the State of Kansas of a number of sacks of cottonseed cake that was misbranded. The article was labeled in part: "Guaranteed Analysis Protein, not less than 43% * * * Choctaw Sales Company * * * Cottonseed Cake and Meal Kansas City,—Missouri."

The article was alleged to be misbranded in that the statement "Protein, not less than 43%", borne on the tags attached to the sacks, was false and misleading and was borne on the said tags so as to deceive and mislead the purchaser since the article contained less than 43 percent of protein, namely, not more than 39.63 percent of protein.

On April 12, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

H. A. WALLACE, *Secretary of Agriculture.*

27290. Adulteration and misbranding of jams. U. S. v. 24 Jars of Blackberry Jam, et al. Default decrees of condemnation and destruction. (F. & D. nos. 38301, 38522. Sample nos. 8809-C, 8810-C, 8813-C, 9300-C.)

These products contained less fruit and more sugar than jams should contain. Certain lots contained added acid and certain other lots contained added acid and pectin. One lot was labeled "6 Oz. Net"; whereas the jars contained 1 pound.

On or about September 16 and November 19, 1936, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 96 jars of jams at New Haven, Conn., and 310 jars of jams at Norwalk, Conn., alleging that the articles had been shipped in interstate commerce on or about August 18 and September 21, 1936, by Mrs. Anna Myer's Pure Foods, Inc., from Passaic, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Mrs. Anna Myer's Pure Home Made Blackberry [or "Cherry", "Raspberry", or "Damson Plum"] Jams"; (tops of jars) "Mrs. Anna Myer's Pure Food Products, Newark, N. J. 6 Oz. Net [or "1 lb. Net"]".

The articles were alleged to be adulterated in that substances, i. e., sugar in the case of the damson plum and a portion of the raspberry, sugar and acid in the case of the blackberry and the remainder of the raspberry, and sugar, acid, and pectin in the case of the cherry, had been mixed and packed with the articles so as to reduce or lower their quality; in that the aforesaid mixtures containing less fruit and more sugar than jams should contain had been substituted for jams, which the articles purported to be and in that the articles had been mixed in a manner whereby their inferiority had been concealed.

The articles were alleged to be misbranded in that the statements "Pure * * * Raspberry [or "Blackberry", "Damson Plum", or "Cherry"] Jam", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles resembling jams but which were not jams; and in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, jams. The damson plum jam was alleged to be misbranded further in that the statement "6 Oz. Net", borne on the jar top, was false and misleading and tended to deceive and mislead the purchaser when applied to an article in jars containing 1 pound; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On March 16, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27291. Adulteration of canned shrimp. U. S. v. 300 Cases of Canned Shrimp (and four other seizure actions). Decrees of condemnation entered. Product in certain shipments released under bond for segregation and destruction of decomposed portions. Product in remaining shipments ordered destroyed. (F. & D. nos. 38367, 38368, 38369, 38476, 38511. Sample nos. 7151-C, 7744-C, 15840-C.)

This product was in part decomposed.

On September 29, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 500 cases of canned shrimp at Boston, Mass., and 200 cases of canned shrimp at New Bedford, Mass. On October 1, November 5, and November 7, 1936, libels were filed against 300 cases of canned shrimp at Providence, R. I., 5 cases of the product at Roanoke, Va., and 7 cases at Rocky Mount, N. C. The libels alleged that the article had been shipped in interstate commerce in various shipments on or about August 7, September 2, and September 9, 1936, by the Deer Island Fish & Oyster Co., from Bayou Labatre, Ala., and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled, "Gulf's Best Brand Shrimp * * * Packed by Deer Island Fish and Oyster Co., Bayou Labatre, Ala., Biloxi, Miss."; the remainder was labeled, "S. G. Brand Wet Shrimp * * * Distributors Standard Grocery Company Boston Providence D. C. & H. Co., New Bedford."

It was alleged to be adulterated in that it consisted in whole or in part of decomposed animal substances.

On March 31 and April 12, 1937, no claimant having appeared for the lots seized at Roanoke, Va., and Rocky Mount, N. C., judgments of condemnation were entered and said lots were ordered destroyed. On April 21 and 23, 1937, the Deer Island Fish & Oyster Co., having filed a claim for the lots seized at Providence, R. I., Boston, Mass., and New Bedford, Mass., and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that the decomposed portion be segregated and destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27292. Misbranding of tomato paste and peeled tomatoes. U. S. v. 133 Cases of Canned Tomato Paste, and 200 Cases and 467 Cases of Canned Peeled Tomatoes. Consent decree of forfeiture. Product released under bond to be relabeled. (F. & D. nos. 38415, 38416. Sample nos. 4178-C, 4179-C.)

This case involved tomato paste and peeled tomatoes of domestic origin that bore labels and designs to indicate that they were of foreign origin.

On October 16, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 133 cases of canned

tomato paste and 667 cases of canned peeled tomatoes at Brooklyn, N. Y., alleging that the articles had been shipped in interstate commerce on or about September 18, 1936, by the Riverbank Canning Co., from Stockton, Calif., and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Cans) "Bortolo Brand Tomato Paste [or "Bortolo Brand Italian Style Peeled tomatoes"] * * * Packed expressly for Bortolo Bendin Inc. Wallabout Market Brooklyn N. Y."

They were alleged to be misbranded in that the Italian national colors (red, white, and green) and the design of pear-shaped tomatoes characteristic of those imported from Italy, borne on the labels, in the absence of any statement of foreign origin, were false and misleading and tended to deceive and mislead the purchaser into believing that the articles were of foreign origin; whereas they were not of foreign origin.

On January 7, 1937, Bortolo Bendin, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of forfeiture was entered and it was ordered that the product be released under bond to be relabeled.

H. A. WALLACE, *Secretary of Agriculture.*

27293. Adulteration of salmon. U. S. v. 11,610 Cases of Canned Salmon (and 10 other seizure actions). Consolidated consent decree of condemnation. Portion of product released under bond. Balance exonerated and ordered released unconditionally. (F. & D. nos. 38474, 38475, 38481, 38482, 38483, 38510, 38517, 38526, 38528, 38707, 38712. Sample nos. 22263-C, 22269-C, 22282-C, 22283-C, 22291-C, 23706-C, 23715-C, 23716-C, 23720-C, 29239-C, 29243-C, 29258-C, 29279-C, 29280-C, 29293-C, 32376-C, 32379-C, 32388-C, 32389-C.)

These cases involved canned salmon that was in whole or in part decomposed.

On October 29 and 30 and November 4, 9, 10, and 25, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 29,258 cases and 11,686 cartons of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce between the dates of August 14 and September 11, 1936, by the Ocean Packing Co. from Klawock, Alaska, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "North Bay Brand Pink Salmon * * * Distributed by Wesco Foods Company * * * Cincinnati, Ohio." The remainder was unlabeled.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 11, 1937, the Ocean Packing Co. and the Wesco Foods Co., claimants for respective portions of the article, having admitted the allegations of the libels insofar as they concerned certain portions of the article and having consented to the entry of a decree, a consolidated judgment was entered finding portions of the product adulterated and ordering that it be condemned and released under bond conditioned that it should not be disposed of in violation of the Food and Drugs Act. The remainder of the product was adjudged unadulterated and was ordered released unconditionally. On May 19, 1937, the portion of the product belonging to the Wesco Foods Co. which was required by the decree of May 11, 1937, to be reconditioned having been sold to Carl Rubenstein, a supplemental decree was entered condemning said goods and permitting their release to Carl Rubenstein under the same conditions as set forth in the original decree.

H. A. WALLACE, *Secretary of Agriculture.*

27294. Adulteration of butter. U. S. v. Bert Brice Nash, Fritz Ortman, and Charlie H. Gallagher (Salt City Creamery). Plea of guilty. Fine, \$25 and costs. (F. & D. no. 38633. Sample no. 14102-C.)

This case involved butter that was deficient in milk fat.

On March 12, 1937, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bert Brice Nash, Fritz Ortman, and Charlie H. Gallagher, copartners trading as Salt City Creamery, Oklahoma City, Okla., charging shipment by said defendants in violation of the Food and Drugs Act, on or about September 1, 1936, from the State of Oklahoma into the State of Illinois of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a

product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On May 19, 1937, a plea of guilty was entered on behalf of the defendants and the court imposed a fine of \$25 and costs.

H. A. WALLACE, *Secretary of Agriculture*.

27295. Adulteration of tomato puree. U. S. v. William E. Everitt and Frank H. Everitt (Everitt Packing Co.). Plea of guilty. Fine, \$50. (F. & D. no. 38684. Sample no. 21495-C.)

Samples of this product were found to contain insect fragments and mold.

On April 9, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William E. Everitt and Frank H. Everitt, trading as the Everitt Packing Co., at Underwood, Ind., alleging shipment by said company in violation of the Food and Drugs Act on or about August 5, 1936, from the State of Indiana into the State of Missouri of a quantity of tomato puree that was adulterated. The article was labeled in part: "Deluxe Brand Tomato Puree * * * Packed Especially for Lowell-Krekeler Grocer Co. St. Louis, Mo."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On April 21, 1937, a plea of guilty was entered on behalf of the defendants, and the court entered judgment imposing a fine of \$50 against said defendants.

H. A. WALLACE, *Secretary of Agriculture*.

27296. Adulteration and misbranding of cream of tartar. U. S. v. Max Heller (Exeller Chemical Co.). Plea of guilty. Fine, \$50. (F. & D. no. 38594. Sample no. 72311-B.)

This product was represented to conform to the standard laid down in the United States Pharmacopoeia but fell below such standard and its own standard was not declared.

On April 1, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Max Heller trading as the Exeller Chemical Co., at Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about November 5, 1935, from the State of New York into the State of New Jersey of a quantity of cream of tartar that was adulterated and misbranded. The article was labeled in part: "Exeller Brand Cream of Tartar Pure U. S. P. Exeller Chemical Co. Brooklyn, N. Y."

It was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation since when dried to constant weight at 100° C., it contained less than 99.5 percent, namely, not more than 90.7 percent of potassium bitartrate, whereas the pharmacopoeia provides that potassium bitartrate, i. e., cream of tartar, when dried to constant weight at 100° C., shall contain not less than 99.5 percent of potassium bitartrate; and its own standard of strength, quality, and purity was not declared on the container.

The article was alleged to be misbranded in that the statement "Cream of Tartar * * * U. S. P.", borne on the cans, was false and misleading since it represented that the article was cream of tartar that conformed to the standard laid down in the United States Pharmacopoeia; whereas it was not cream of tartar which conformed to said standard.

On April 23, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50.

H. A. WALLACE, *Secretary of Agriculture*.

27297. Adulteration of butter. U. S. v. Producers Creamery Co. Plea of guilty. Fine, \$1 and costs. (F. & D. no. 38601. Sample no. 14524-C.)

This case involved butter that was deficient in milk fat.

On January 23, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Producers Creamery Co., a corporation, Kirksville, Mo., alleging shipment by said company in violation of the Food and Drugs Act on or about August 21, 1936, from the State of Missouri into the State of Illinois of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On May 24, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$1 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27298. Adulteration of butter. U. S. v. Steensland Oil & Produce Co. Plea of guilty. Fine, \$25. (F. & D. no. 38672. Sample no. 9504-C.)

This case involved butter that was deficient in milk fat.

On April 28, 1937, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Steensland Oil & Produce Co., a corporation, Beresford, S. Dak., alleging shipment by said company in violation of the Food and Drugs Act on or about October 29, 1936, from the State of South Dakota into the State of New York of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

On May 7, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

H. A. WALLACE, *Secretary of Agriculture.*

27299. Misbranding of Vitality Hog Balancer. U. S. v. Vitality Mills, Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 38686. Sample no. 2601-C.)

This product contained less protein than declared on the label. It contained no potassium iodide and no cane molasses—two ingredients which were declared—and did contain cottonseed hulls that were not declared.

On May 5, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vitality Mills, Inc., Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act on or about August 17, 1936, from the State of Illinois into the State of Wisconsin of a quantity of feed that was misbranded. It was labeled: "Vitality 40% Hog Balancer Guaranteed Analysis Protein 40% * * * Manufactured by Vitality Mills, Inc., Chicago, Ill."

The article was alleged to be misbranded in that the statements, "Protein 40%" and "Ingredients Digester Tankage, Fish Meal, Soybean Oil Meal, Cottonseed Meal, Linseed Oil Meal, Alfalfa Meal, Flour Middlings, Cane Molasses, Bone Meal, Potassium Iodide, 2% Calcium Carbonate (from Limestone) 1% Salt", borne on the tag attached to the sacks containing the article, were false and misleading and in that it was labeled as aforesaid so as to deceive and mislead the purchaser since said statement represented that it contained 40 percent of protein and consisted wholly of digester tankage, fish meal, soybean-oil meal, cottonseed meal, linseed meal, alfalfa meal, flour middlings, cane molasses, bone meal, potassium iodide, calcium carbonate, and salt; whereas it contained less than 40 percent, namely, not more than 34.93 percent of protein, it contained no potassium iodide and no cane molasses, and did contain cottonseed hulls.

On June 8, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27300. Adulteration and misbranding of raisins. U. S. v. 497 Boxes, et al., of Raisins. Consent decrees of condemnation. Product released under bond for destruction of bad portion and relabeling of short-weight portion. (F. & D. nos. 38690, 38691. Sample nos. 10630-C, 15922-C, 15923-C, 15924-C, 15926-C.)

These cases involved raisins that were in part worm- and insect-infested, and a portion of which were short in weight.

On November 23, 1936, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 497 boxes and 945 cases of raisins at Jacksonville, Fla., alleging that they had been shipped in interstate commerce on or about October 12 and October 13, 1936, by Guggen-

hime & Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Portions of the article were labeled: (Boxes) "Fuchsia Brand [or "Mission Brand"] * * * Guggenlime & Company." The remainder was labeled: (Packages) "Net Weight 15 Ozs. Aft-R Din-R Brand Cluster Raisins Guggenlime & Company."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

A portion of the article was alleged to be misbranded in that the statement "Net Weight 15 Ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On December 9, 1936, Guggenlime & Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that the bad portion be destroyed and the short-weight portion be relabeled. On February 23, 1937, the decrees were amended to permit the claimant to return the product to the initial point of shipment in order that the conditions of the release be there carried out.

H. A. WALLACE, *Secretary of Agriculture*.

27301. Adulteration of dried figs. U. S. v. 99 Cases of Dried Figs. Default decree of condemnation and destruction. (F. & D. no. 38843. Sample no. 10659-C.)

This case involved dried figs that were insect-infested.

On December 21, 1936, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of dried figs at Petersburg, Va., alleging that the article had been shipped in interstate commerce on or about December 4, 1936, by the Del-Rey Packing Co. from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bonner Brand California Figs * * * Packed by Bonner Packing Co. Fresno, Cal."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 22, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture*.

27302. Adulteration and misbranding of preserves. U. S. v. 8 Cases of Raspberry Preserves and 15 Cases of Blackberry Preserves. Default decree of condemnation and destruction. (F. & D. no. 38887. Sample nos. 25267-C, 25268-C.)

These products contained less fruit and more sugar than preserves should contain. Both contained added pectin and the raspberry variety also contained added acid and excess moisture.

On January 5, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of preserves at Milwaukee, Wis., alleging that they had been shipped in interstate commerce on or about October 15 and September 1, 1936, by the Abnate Coffee Corporation, from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Century Brand Pure Raspberry [or "Blackberry"] Preserves Distributed by Century Coffee Co. Milwaukee, Wis."

The articles were alleged to be adulterated in that sugar and pectin in the case of the blackberry variety, and sugar, acid, pectin, and water, which should have been removed by boiling, in the case of the raspberry, had been mixed and packed with them so as to reduce or lower their quality; in that mixtures of fruit, sugar, and pectin in the case of the former and fruit, sugar, acid, pectin, and water in the case of the latter, containing less fruit and more sugar than preserves should contain, had been substituted for preserves, which the articles purported to be; and in that the articles had been mixed in a manner whereby their inferiority had been concealed.

The articles were alleged to be misbranded in that the statements "Pure Blackberry Preserves" or "Pure Raspberry Preserves", as the case might be, were false and misleading and tended to deceive and mislead the purchaser when applied to articles resembling preserves but which were not preserves; and in that they were imitations of and offered for sale under the distinctive names of other articles, namely, preserves.

On May 29, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27303. Adulteration and misbranding of preserves. U. S. v. 13 Cases of Raspberry Preserve, and 10 and 4 Cases of Blackberry Preserve. Default decree of condemnation. Products ordered destroyed. (F. & D. no. 38888. Sample nos. 15106-C, 15107-C, 25281-C.)

These products contained less fruit and more sugar than standard preserves. All lots contained added pectin; and certain lots also contained added acid, and water which should have been boiled off in the process of manufacture.

On January 5, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of red raspberry preserve and 14 cases of blackberry preserve at Milwaukee, Wis., alleging that they had been shipped in interstate commerce from Chicago, Ill., in part on or about August 19, 1936, by the Abnate Coffee Corporation and in part on or about October 8, 1936, by the Abnate Food Products and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Jars) "Lenox Pure Food Pure Red Raspberry [or "Pure Blackberry"] preserves Gimbel Brothers Distributors New York Phila."

They were alleged to be adulterated in that sugar and pectin in the case of a portion of the blackberry, and sugar, acid, pectin, and water, which should have been removed by boiling, in the case of the red raspberry and the remainder of the blackberry had been mixed and packed with them so as to reduce or lower their quality; in that said mixtures, containing less fruit and more sugar than preserves should contain, had been substituted for preserves, which the articles purported to be; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements, "Pure Red Raspberry Preserves" or "Pure Blackberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to articles resembling preserves but which were not preserves; and in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, preserves.

On May 29, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27304. Adulteration and misbranding of French marjoram leaves and thyme leaves. U. S. v. 40 Bags of French Marjoram Leaves and 22 Bags of Thyme Leaves. Default decrees of condemnation and destruction. (F. & D. nos. 38913, 39047. Sample nos. B-3151, 26614-C.)

These products were deficient in volatile oils, indicating the presence of exhausted leaves.

On January 7 and February 5, 1937, the United States attorneys for the District of Massachusetts and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 40 bags of marjoram leaves at Boston, Mass., and 22 bags of thyme leaves at New York, N. Y., alleging that the articles had been shipped on or about July 31 and November 5, 1936, from Marseilles, France, by Ets. Reynaud-Geilinger, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that marjoram leaves and thyme leaves from which a portion of the volatile oil content had been removed, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength; and had been substituted wholly or in part for marjoram leaves and thyme leaves which the articles purported to be; and in that a valuable constituent, namely, volatile oils, had been wholly or in part abstracted.

They were alleged to be misbranded in that they were offered for sale under the distinctive names of other articles, namely, marjoram leaves and thyme leaves.

On February 25 and May 3, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

H. A. WALLACE, *Secretary of Agriculture*.

27305. Adulteration of maple sugar. U. S. v. 155 1-Pound Bricks of Maple Sugar. Default decree of condemnation and destruction. (F. & D. no. 38953. Sample no. 25745-C.)

This case involved maple sugar that contained excessive lead.

On January 14, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 155 1-pound bricks of maple sugar at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 7, 1933, by the Vermont Maple Products Co., from South Royalton, Vt., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Pure Vermont Maple Sugar Put Up at Randolph Vermont By The Vermont Maple Sugar Market Inc."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On April 30, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture*.

27396. Adulteration of tomato paste. U. S. v. 300 Cases and 108 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. & D. nos. 38788, 38954. Sample nos. 10470-C, 25748-C.)

Samples of this product were found to contain filth resulting from worm and insect infestation.

On December 14, 1936, and January 14, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 408 cases of tomato paste at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 9 and November 28, 1936, by the Harbor City Food Corporation from Harbor City, Calif., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Campagnola Brand Tomato Paste * * * Packed by Harbor City Food Corp. Los Angeles, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 12, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture*.

27307. Adulteration and misbranding of lemon juice. U. S. v. 14 Cases of Lemon Juice. Default decree of condemnation and destruction. (F. & D. no. 39020. Sample no. 25564-C.)

This article involved lemon juice that was diluted with water.

On February 4, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of lemon juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 18, 1936, by the Empire Freight Co., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: (Cases) "Golden Flow Brand Pure Lemon Juice Pure Foods Corp. Los Angeles, Calif."

The article was alleged to be adulterated in that a mixture of lemon juice and water had been substituted wholly or in part for lemon juice, which it purported to be, and in that it had been mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Pure Lemon Juice" was false and misleading and tended to deceive and mislead the purchaser when applied to lemon juice diluted with water; and in that it was an imitation of and offered for sale under the distinctive name of another article, lemon juice.

On April 30, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27308. Adulteration and misbranding of canned shrimp. U. S. v. 10 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 39033. Sample no. 13886-C.)

This product was in part decomposed and was slack-filled and short in weight.

On February 3, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of canned shrimp at New Orleans, La., alleging that it had been delivered to a common carrier for export to a foreign country on or about January 27 and January 28, 1937, by H. T. Cottam & Co., New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Grand Island Brand Shrimp Wet Pack Net Wgt. 5¾ ozs. Lockport Packing Company, Lockport, La."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

It was alleged to be misbranded in that the statement "Net Wgt. 5¾ ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in weight; in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct; and in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since it was slack-filled in that a can of this size should hold 5¾ ounces of wet-pack shrimp instead of a less amount, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 14, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27309. Misbranding of canned peas. U. S. v. 24 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 39081. Sample no. 37202-C.)

This case involved canned peas that fell below the required standard of quality and condition and were not labeled to indicate that fact.

On February 11, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of peas at Reading, Pa., alleging that they had been shipped in interstate commerce on or about January 27, 1937, by Seeman Bros., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Taylor Brand * * * Early June Peas Packed for The Frederick City Packing Company Frederick, Md."

It was alleged to be misbranded in that it consisted of canned food and fell below the standard of quality and condition for such canned food since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 22, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27310. Adulteration of canned prunes. U. S. v. 78 Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. no. 39083. Sample no. 23966-C.)

This product was in whole or in part decomposed.

On February 23, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 cases of canned prunes at Missoula, Mont., alleging that they had been shipped in interstate commerce on or about November 9 and November 12, 1935, by Lake City Vinegar Co., from Coeur d'Alene, Idaho, and charging adulteration in violation of the Food and

Drugs Act. The article was labeled in part: (Cans) "Coeur d'Alene Brand Fresh Italian Prunes Packed in water Seiter's, Inc. * * * Coeur d'Alene, Idaho."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 11, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27311. Adulteration of canned blackberries. U. S. v. 71 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. & D. no. 39118. Sample no. 32651-C.)

This case involved canned blackberries that were in part moldy.

On February 22, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 cases of canned blackberries at Pocatello, Idaho, alleging that they had been shipped in interstate commerce on or about January 23, 1937, by the National Fruit Canning Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Real Fruit Brand Blackberries * * * Packed by National Fruit Canning Co. Seattle, Wash."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance, namely, moldy blackberries.

On March 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27312. Misbranding of canned peaches. U. S. v. 173 Cases of Canned Peaches. Decree of condemnation. Product released under bond subject to relabeling. (F. & D. no. 39162. Sample no. 30290-C.)

This product fell below the standard for canned sliced peaches, since the fruit was not uniformly sliced and was not labeled to indicate that it was substandard.

On March 2, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 173 cases of canned peaches at Topeka, Kans., alleging that they had been shipped in interstate commerce on or about August 20, 1936, by Harry Hall & Co., from Lincoln, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tee Pee Brand * * * Water Pack Sliced Y. C. Peaches Distributed by the Theo Poehler Mercantile Co., * * * Topeka, Ks."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it did not consist of uniformly sliced peaches and its package or label did not bear a statement indicating that it fell below such standard.

On June 2, 1937, the Theo Poehler Mercantile Co., Topeka, Kans., having appeared as claimant and having admitted that the product was misbranded, judgment of condemnation was entered and it was ordered that the product be released under bond subject to relabeling.

H. A. WALLACE, *Secretary of Agriculture.*

27313. Misbranding of canned peaches and canned apricots. U. S. v. 58 Cases of Canned Peaches, et al. Decree of condemnation. Products released under bond to be relabeled. (F. & D. nos. 39175 to 39178, incl. Sample nos. 30295-C to 30298-C, incl.)

This case involved canned peaches that were not uniform in size and which were excessively trimmed, and canned apricots which consisted of excessively trimmed and broken pieces and the liquid portion of which was deficient in sugar. The products therefore were substandard and were not labeled to indicate that fact.

On March 11, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 121 cases of canned peaches and 126 cases of canned apricots at McPherson, Kans., alleging that the articles had been shipped in interstate commerce on or about August 18, 1936, by the Cava Packing Co., from Salinas, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The cans at the time of shipment were unlabeled and were labeled at destination: "Tee Pee Brand * * *

Water Pack Halves Y. C. Peaches [or "Sliced Y. C. Peaches", "Firm Pie Apricots", or "Solid Pie Apricots"] Distributed by the Theo Poehler Merc. Co., McPherson, Kans."

The articles were alleged to be misbranded in that they were canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture in that the peaches were not of uniform size and were excessively trimmed and in that the apricots were excessively trimmed and consisted of broken pieces, and the liquid portion read less than 16° Brix; and the labels on the cans did not bear plain and conspicuous statements prescribed by the Secretary of Agriculture indicating that they fell below such standard.

On June 2, 1937, the Theo Poehler Mercantile Co., Topeka, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the products be released under bond to be relabeled.

H. A. WALLACE, *Secretary of Agriculture.*

27314. Misbranding of canned cherries. U. S. v. 145 Cases of Canned Cherries. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39180. Sample no. 30293-C.)

This product was substandard because it was water-packed. It was not labeled to indicate that it was substandard.

On March 12, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 145 cases of canned cherries at Emporia, Kans., alleging that they had been shipped in interstate commerce on or about August 27, 1936, by the Smith Canning Co., from Brigham, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Tee Pee Brand Pitted Red Cherries Distributed by The Theo Poehler Mercantile Co. Emporia, Ks."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the fruit was water-packed, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On June 2, 1937, the Theo Poehler Mercantile Co., of Topeka, Kans., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

H. A. WALLACE, *Secretary of Agriculture.*

27315. Adulteration of dates. U. S. v. 10 Cases of Dates. Default decree of condemnation and destruction. (F. & D. no. 39210. Sample no. 30757-C.)

This case involved dates that were insect-infested.

On March 17, 1937, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of dates at El Paso, Tex., alleging that they had been shipped in interstate commerce on or about November 19, 1935, by the Los Angeles Nut House from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 6, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27316. Adulteration of tomato puree. U. S. v. 300 Cans of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 39232. Sample no. 18936-C.)

This case involved tomato puree that contained excessive mold and also filth resulting from worm infestation.

On March 18, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 27, 1937, by the Frazier Packing Corporation from Elwood, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On April 28, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture*.

27317. Misbranding of canned cherries. U. S. v. 84 Cases of Canned Cherries. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39239. Sample no. 41418-C.)

This product was substandard because it was water-packed. It was not labeled to indicate that it was substandard.

On March 19, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 84 cases of canned cherries at Emporia, Kans., alleging that they had been shipped in interstate commerce on or about August 11, 1936, by the Christopher Sales Co., from Kansas City, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Royal Brand Red Pitted Cherries * * * H. D. Olson & Sons, Successors to Wm. Craig Canning Co. Headquarters, Ogden, Utah."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the fruit was water-packed, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 2, 1937, the Theo. Poehler Mercantile Co., of Topeka, Kans. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

H. A. WALLACE, *Secretary of Agriculture*.

27318. Misbranding of canned tomatoes. U. S. v. 100 Cases and 50 Cases of Canned Tomatoes. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 39281, 39282. Sample nos. 40963-C, 40964-C.)

These cases involved canned tomatoes that were substandard because they did not consist of whole or large pieces, and that were not labeled to indicate that they were substandard.

On March 25, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 150 cases of canned tomatoes at New York, N. Y., alleging that they had been shipped in interstate commerce on or about February 28, 1937, by the McKeon Canning Co., Inc., Burbank, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Red Head Brand Hand Packed Tomatoes with Puree from Trimmings. * * * Packed by McKeon Canning Co., Inc."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it did not consist of whole or large pieces, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 3, 1937, Groth & Nathan having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

H. A. WALLACE, *Secretary of Agriculture*.

27319. Misbranding of butter. U. S. v. 50 Cartons and 50 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reconditioned. (F. & D. no. 39293. Sample nos. 29767-C, 29768-C.)

This case involved butter that was short weight.

On March 12, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cartons of print butter and 50 cartons of roll butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about February 28, 1937, by Cloverleaf Creameries, Inc., from Decatur, Ind., and charging misbranding in

violation of the Food and Drugs Act. The article was labeled in part: "Extra Quality Cloverleaf Brand Butter Net Wt. One Pound * * * Cloverleaf Creameries, Inc., Decatur * * * Indiana."

It was alleged to be misbranded in that the statement appearing on the label, "Net Wt. One Pound", was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On April 29, 1937, the Cloverleaf Creameries, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be reconditioned under the supervision of this Department. The butter was reprinted into full weight 1-pound rolls.

H. A. WALLACE, *Secretary of Agriculture.*

27320. Misbranding of canned tomatoes. U. S. v. 142 Cases of Canned Tomatoes. Default decree of forfeiture and destruction. (F. & D. no. 39308. Sample no. 24199-C.)

This product was substandard because it did not consist of whole or large pieces; and it was not labeled to indicate that it was substandard, but instead was labeled "Standard Tomatoes."

On April 2, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 142 cases of canned tomatoes at Lewiston, Idaho, alleging that they had been shipped in interstate commerce on or about March 4, 1937, by the Mount Angel Producer's Packing Co., from Mount Angel, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Abiqua Brand Standard Tomatoes * * * Packed by Mt. Angel Producer's Packing Co., Mt. Angel, Ore."

It was alleged to be misbranded in that the statement on the cases and cans, "Standard Tomatoes", was false and misleading and tended to deceive and mislead the purchaser when applied to tomatoes which were substandard; and in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it did not consist of whole or large pieces, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below the said standard.

On April 28, 1937, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27321. Adulteration of tomato puree. U. S. v. 228 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 39309. Sample no. 30114-C.)

This case involved tomato puree that contained excessive mold.

On April 2, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 228 cases of tomato puree at Nebraska City, Nebr., alleging that the article had been shipped in interstate commerce on or about July 31, 1936, by the Vincennes Packing Corporation from Crothersville, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On May 12, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27322. Adulteration of raisins. U. S. v. 571 Cases and 246 Cases of Raisins (and six other seizure actions). Default decrees of condemnation and destruction. (F. & D. nos. 39312, 39328, 39348, 39364, 39366, 39367, 39370. Sample nos. 23026-C, 26533-C, 26535-C, 26732-C, 27277-C, 31972-C, 31973-C, 37284-C.)

Samples taken from these shipments of raisins were found to contain hydrocyanic acid.

On April 1, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 817 cases of raisins at Washington, D. C.

On April 3, 7, 12, and 13, 1937, libels were filed against 1,200 cases of raisins at Philadelphia, Pa., 560 cases at Queens Village, L. I., 600 cases at Brooklyn, N. Y., 150 cases at Newark, N. J., 16 cases at Savannah, Ga., and 85 cases at New York, N. Y. The libels alleged that the article had been shipped in interstate commerce, one shipment on or about October 28, 1936, and the remaining shipments between the dates of February 5 and February 23, 1937; that the shipments had been made by the Sunland Sales Cooperative Association in part from Stockton, Calif., in part from Fresno, Calif., and in part from San Francisco, Calif., and that the article was adulterated in violation of the Food and Drugs Act. Portions were labeled variously: "Sun-Maid Raisins Seedless Nectars [or "Puffed Seeded Muscats", "Bakers Wednesday Special Midget Seedless Raisins", or "Sun Maid Selected Thompson Seedless Raisins"] * * * Sun-Maid Raisin Growers of California, Fresno, California." The remainder were labeled: "Blue Ribbon Brand Seedless Raisins."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health.

On April 27, May 8, May 11, May 27, June 5, and June 7, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27323. Adulteration and misbranding of Orange Mixer, Lemon Cocktail Mixer, and Lime Cocktail Mixer. U. S. v. Nineteen 1-Gallon Bottles and 5 Cases of Orange Mixer, et al. Default decree of condemnation and destruction. (F. & D. no. 39323. Sample nos. 27024-C, 27025-C, 27576-C.)

These products were labeled to convey the impression that they consisted essentially of fruit juices, whereas they contained little or no fruit juices.

On or about April 5, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 gallon bottles and 356 8-ounce bottles of the above-named products at Hartford, Conn., alleging that they had been shipped in interstate commerce on or about March 12, 1937, by the Elby Extract Co. from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Elby Orange Mixer [or "Lemon Cocktail Mixer" or "Lime Cocktail Mixer"] * * * Elby Extract Co., Inc., New York, N. Y."

The articles were alleged to be adulterated in that artificially colored mixtures of water, citrus oils, and acid had been substituted wholly or in part for them; and in that they had been mixed in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the word "Orange" and the design of an orange, the design of lemons and the statement "Lemon * * * Contains juice of tree ripe lemons", and the design of limes and the statement "Limes * * * Contains juice of tree ripe limes", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles that consisted essentially of water, artificial color, citrus oils, and citric acid with little or no fruit juice; and in that they were imitations of other articles.

On June 14, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27324. Adulteration and misbranding of frozen egg yolks. U. S. v. 654 Cans, more or less, each containing 30 pounds of an article labeled in part, "Frozen Eggs." Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39340. Sample no. 32032-C.)

This product was represented to consist of egg yolks and salt, but in fact contained more than 20 percent of egg white.

On April 5, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 654 cans of frozen egg yolks at Baltimore, Md., alleging that they had been shipped in interstate commerce on or about July 13, 1936, by the Borden Co., Produce Division, from Norfolk, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Titman's Frozen Eggs * * * Distributed by The Borden Sales Company, Inc., Produce Division New York"; (cover of can) "Yolks with approx. 10% Salt."

The article was alleged to be adulterated in that a mixture of egg yolks, egg whites, and salt had been substituted wholly or in part for egg yolks and salt, which it purported to be.

It was alleged to be misbranded in that the term "Yolks with approx. 10% salt" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing egg white, egg yolks, and salt.

On April 19, 1937, the Borden Co. having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

H. A. WALLACE, *Secretary of Agriculture.*

27325. Adulteration and misbranding of preserves. U. S. v. 25 Cartons of Raspberry Preserves and 25 Cartons of Strawberry Preserves. Default decree of condemnation and destruction. (F. & D. no. 39346. Sample nos. 20632-C, 20633-C.)

These products were deficient in fruit and contained excess sugar and added pectin. The raspberry preserves contained excess moisture and the strawberry contained added acid.

On April 8, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cartons of raspberry preserves and 25 cartons of strawberry preserves at Providence, R. I., alleging that they had been shipped in interstate commerce on or about December 1, 1936, by the Velmo Co., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: Trump Brand 2 Lbs. Pure Raspberry Preserves [or "Pure Strawberry Preserves"] Eastern Wholesale Grocery Co. Distributors Providence, R. I."

The articles were alleged to be adulterated in that sugar, pectin, and water in the case of the raspberry preserve, and sugar, pectin, and acid in the case of the strawberry preserve, had been mixed and packed with them so as to reduce or lower their quality; in that products of said composition containing less fruit and more sugar than preserves should contain had been substituted for preserves, which the articles purported to be; and in that they had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements, "Pure Raspberry Preserves" and "Pure Strawberry Preserves", appearing upon the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles resembling preserves, but which were not preserves; and in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, preserves.

On April 29, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27326. Adulteration and misbranding of potatoes. U. S. v. 412 Sacks and 363 Sacks of Potatoes. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 39382, 39425. Sample nos. 43529-C, 43530-C.)

These cases involved potatoes that were below the grade declared on the label.

On or about April 16 and April 24, 1937, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 412 sacks of potatoes at Tampa, Fla., and 363 sacks of potatoes at Jacksonville, Fla., alleging that they had been shipped in interstate commerce on or about April 3 and April 14, 1937, by D. J. Halloran from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act.

One shipment of the article was alleged to be adulterated in that it consisted in part of potatoes below the U. S. Commercial standard, which had been substituted for potatoes of U. S. Commercial standard. The remaining shipment was alleged to be adulterated in that the article was below U. S. Commercial standard since the potatoes had grade defects in excess of 20 percent.

The article was alleged to be misbranded in that the statement "U. S. Commercial" with respect to one lot, and the statement "U. S. Commercial—D. J. H. Brand Packed by D. J. Halloran Boston" with respect to the remaining lot, borne on the sacks, were false and misleading and tended to deceive and mislead the purchaser when applied to potatoes which were below the U. S. Commercial standard.

On May 12, 1937, D. J. Halloran having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond conditioned that claimant obliterate from the sacks the words "U. S. Commercial."

H. A. WALLACE, *Secretary of Agriculture*.

27327. Adulteration of crab meat. U. S. v. 1 Barrel, 100 Pounds, and 158 Pounds of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 39413, 39415, 39539. Sample nos. 22839-C, 22854-C, 22891-C.)

These cases involved crab meat that was filthy.

On April 14, 17, and 22, 1937, the United States attorneys for the Southern District of New York and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of one barrel, containing 126 pounds of crab meat, at New York, N. Y., and 258 pounds of crab meat at Philadelphia, Pa., alleging that it had been shipped in interstate commerce on or about April 11, 14, and 20, 1937, by the Gulf Crest Fisheries from Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On April 27 and May 17, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture*.

27328. Adulteration of raisins. U. S. v. 37 Cases of Raisins. Default decree of condemnation and destruction. (F. & D. no. 39423. Sample no. 42729-C.)

This case involved raisins that were insect-infested.

On April 22, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cases, each containing 48 cartons of raisins, at Johnstown, Pa., alleging that they had been shipped in interstate commerce on or about December 27, 1935, by the Sunland Sales Cooperative Association, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sun-Maid Raisins * * * Sun-Maid Raisin Growers of California, of Fresno, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

H. A. WALLACE, *Secretary of Agriculture*.

27329. Adulteration of tomato paste. U. S. v. John S. Mitchell, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 39443. Sample no. 25732-C.)

Samples of this product were found to contain excessive mold.

On May 13, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John S. Mitchell, Inc., Windfall, Ind., alleging shipment by said company in violation of the Food and Drugs Act on or about November 10, 1936, from the State of Indiana into the State of Illinois of a quantity of tomato paste that was adulterated. The article was labeled in part: "Concentrated Tomato * * * Liberty Bell Brand * * * Packed Expressly for R. Gerber & Co. Chicago, Ill."

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed vegetable substance.

On June 5, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

H. A. WALLACE, *Secretary of Agriculture*.

27330. Adulteration of frozen eggs. U. S. v. Producers Produce Co., Inc. Plea of guilty. Fine \$200. (F. & D. no. 39448. Sample nos. 8843-C, 8844-C, 8846-C, 8852-C.)

This case involved frozen eggs that were in whole or in part decomposed and putrid.

On May 15, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Producers Produce Co., Inc., at Spring-

field, Mo., alleging shipment by said company in violation of the Food and Drugs Act on or about September 23 and October 16, 23, 24, and 26, 1936, from the State of Missouri into the States of New Jersey and New York of quantities of frozen eggs that were adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed and putrid animal substance.

On June 5, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27331. Adulteration of walnut meats. U. S. v. Herman C. Fisher Co. Plea of guilty. Fine, \$100. (F. & D. no. 39467. Sample no. 28877-C.)

This case involved walnut meats that were in part moldy and insect-eaten.

On May 18, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Herman C. Fisher Co., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act on or about October 31, 1936, from the State of California into the State of Washington of a quantity of walnuts that were adulterated. The cartons were labeled in part: "Shelled California Walnuts * * * Fisher's Excel Herman C. Fisher Co. San Francisco Calif."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy and decomposed vegetable substance.

On June 1, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

H. A. WALLACE, *Secretary of Agriculture.*

27332. Adulteration of dried codfish. U. S. v. 12 Cases of Dried Codfish. Consent decree of condemnation and destruction. (F. & D. no. 39504. Sample nos. 24390-C, 24392-C.)

This case involved dried codfish that was decomposed.

On April 27, 1937, the United States attorney for the Territory of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of dried codfish at Honolulu, Hawaii, alleging that the article had been shipped on or about April 20, 1937, by Alexander & Baldwin, Ltd., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Anchor Brand Whole Codfish, Union Fish Co., San Francisco."

It was alleged to be adulterated in that it was filthy, decomposed, and putrid.

On April 27, 1937, Alexander & Baldwin, Ltd., and the Union Fish Co., claimants, having admitted the allegations of the libel and consented to destruction of the product, judgment of condemnation and destruction was entered.

H. A. WALLACE, *Secretary of Agriculture.*

27333. Adulteration and misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39505. Sample no. 43531-C.)

This case involved potatoes that were below the grade indicated on the label.

On April 26, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 100-pound sacks of potatoes at Hamilton, Ohio, consigned on or about April 20, 1937, alleging that they had been shipped in interstate commerce by Metzger's, Inc., from Greenville, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Good Luck U. S. Grade No. 1."

It was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted wholly or in part for U. S. Grade No. 1 potatoes, which it purported to be.

The article was alleged to be misbranded in that the statement "U. S. Grade No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. Grade No. 1.

On April 28, 1937, Metzger's, Inc., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

H. A. WALLACE, *Secretary of Agriculture.*

27334. Misbranding of dairy feed. U. S. v. 15 Bags of Feed. Decree of condemnation and destruction. (F. & D. no. 39510. Sample no. 839-C.)

This case involved feed that contained less protein than declared on the label.

On or about April 27, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bags of feed at Reisterstown, Md., alleging that the article had been shipped in interstate commerce on or about April 12, 1937, by Golden Grain Mills, Inc., from Rossmoyne, Pa., and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: "Golden Grain Mills, Inc. * * * Harrisburg, Penna. Plant Rossmoyne, Penna. Golden Grain Dairy Feed 34% Analysis Protein (Min.) 34%."

The article was alleged to be misbranded in that the statement "Protein (Min.) 34%" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing less protein than declared, namely, not more than 31.29 percent.

On June 4, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27335. Adulteration of rice. U. S. v. 500 Sacks of Rice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 39515. Sample no. 24393-C.)

This case involved rice that was in part contaminated with lead.

On April 27, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 sacks of rice at San Francisco, Calif., alleging that it had been shipped in interstate commerce on or about February 23, 1937, by the El Campo Rice Milling Co., from Houston, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On May 11, 1937, the M. J. B. Co., a corporation, having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that such portion as was contaminated be reconditioned in order to remove the deleterious substance.

H. A. WALLACE, *Secretary of Agriculture.*

27336. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 39522. Sample no. 22852-C.)

This case involved crab meat that was filthy in that it contained fecal *Bacillus coli*.

On April 17, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at New York, N. Y., alleging that it had been shipped in interstate commerce on or about April 14, 1937, by G. E. Anderson & Son from New Smyrna, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On April 29, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27337. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 39526. Sample no. 22862-C.)

This case involved crab meat that contained filth.

On April 20, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at New York, N. Y., alleging that it had been shipped in interstate commerce on or about April 15, 1937, by Gulf Crest Fisheries from Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27338. Adulteration of whitefish. U. S. v. 12 Boxes of Whitefish. Default decree of condemnation and destruction. (F. & D. no. 39540. Sample no. 26550-C.)

This case involved whitefish that was infested with worms.

On April 21, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 boxes of whitefish at New York, N. Y., alleging that the article had been shipped into the State of New York on or about January 27, 1937, by the Main Fish Co., Ltd., from Montreal, Canada, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance and that it consisted of portions of animals unfit for food.

On May 1, 1937, no claimant having appeared, judgment was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27339. Adulteration of crab meat. U. S. v. 25 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 39546. Sample no. 22873-C.)

This case involved crab meat that contained filth.

On April 23, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cans of crab meat at Baltimore, Md., alleging that it had been shipped in interstate commerce on or about April 20, 1937, by Philip Amara from Green Cove Springs, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Philip Amara * * * Green Cove Springs Fla."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 26, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27340. Adulteration of crab meat. U. S. v. 129 Cans, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 39547, 39548, 39632. Sample nos. 22879-C, 22880-C, 22882-C, 22884-C, 22917-C.)

These cases involved crab meat that contained filth.

On April 24 and May 1, 1937, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 416 cans and 3 barrels, containing 271 cans, of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 21 and April 28, 1937, by S. L. Lewis from Brunswick, Ga., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 26 and June 4, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27341. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 39549. Sample no. 34880-C.)

This case involved crab meat that contained filth.

On April 23, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Baltimore, Md., alleging that it had been shipped in interstate commerce on or about April 20, 1937, by the Biloxi Seafood Co. from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 26, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27342. Adulteration of crab meat. U. S. v. 1 Barrel and 18 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 39550. Sample no. 34881-C.)

This case involved crab meat that contained filth.

On April 23, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 barrel and 18 cans of crab meat at Baltimore, Md., alleging that it had been shipped in interstate commerce on or about April 20, 1937, by A. G. Gollott & Sons from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From A. G. Gollott & Sons * * * Biloxi, Miss."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27343. Misbranding of olive oil. U. S. v. 48 Cases, et al., of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 39555, 39556, 39571, 39580. Sample nos. 33162-C to 33165-C, incl.)

These cases involved olive oil that was short in volume.

On May 5 and May 10, 1937, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 64½ cases and 183 cans of olive oil at Seattle, Wash., alleging that it had been shipped in interstate commerce on or about March 19, 26, and 27, 1937, by the Lucca Olive Oil Co., Inc., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Gold Deer Brand Pure Olive Oil * * * Manufactured and Packed by Lucca Olive Oil Co., Lucca, Cal." The remainder was labeled: "Lucca Olive Oil * * * Packed by Lucca Olive Oil Co., Lucca Station, Lindsay, California."

The article was alleged to be misbranded in that the statements, "Contents 1 Gallon", "Contents One Pint", "Contents One Quart", "Contents one-half Gallon", and "Net Contents ½ Gallon", were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in volume; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On May 20, 1937, the Luca Olive Oil Co., Inc., claimant, having consented to the entry of a decree and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

H. A. WALLACE, *Secretary of Agriculture.*

27344. Adulteration of tomato puree. U. S. v. 106 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 39557. Sample no. 21538-C.)

This case involved tomato puree examination of which showed that it contained worm debris.

On May 16, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 cases of tomato puree at Dallas, Tex., alleging that it had been shipped in interstate commerce on or about March 25, 1937, by the Val Vita Food Products, Inc., from Fullerton, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tomato Puree Made from whole Ripe Tomatoes Val Vita Food Products Inc. (Orange County Cannery Inc.) Fullerton, California."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 14, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

H. A. WALLACE, *Secretary of Agriculture*.

27345. Adulteration of crab meat. U. S. v. 1 Barrel of Claw Crab Meat, et al. Default decree of condemnation and destruction. (F. & D. no. 39559. Sample nos. 22904-C, 22905-C, 22906-C.)

This case involved crab meat that was filthy.

On April 29, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels and one box of crab meat at Baltimore, Md., alleging that it had been shipped in interstate commerce on or about April 27, 1937, by L. G. Ambos from Thunderbolt, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Louis G. Ambos * * * Thunderbolt Georgia."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 4, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture*.

27346. Adulteration of oranges. U. S. v. 86 Crates of Oranges. Consent decree of condemnation and destruction. (F. & D. no. 39560. Sample nos. 26271-C to 26275-C, incl.)

This case involved oranges that consisted in part of dried damaged fruit.

On April 23, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 86 crates of oranges at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 5, 1937, by the California Fruit Growers Exchange from Casa Blanca, Calif., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Box) "Avenue Brand Grown and Packed by Victoria Avenue Citrus Ass'n Riverside, Riverside Co., Cal."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance; in that citrus fruit damaged by drying had been substituted wholly or in part for edible citrus fruit, which it purported to be; and in that a valuable constituent, juice, had been wholly or in part abstracted from it.

On April 28, 1937, the claimant having consented thereto, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture*.

27347. Adulteration and misbranding of maple butter compound. U. S. v. 48 Dozen Cartons of Home Made Maple Butter Compound. Default decree of condemnation and destruction. (F. & D. no. 39577. Sample no. 20598-C.)

This product was labeled to convey the impression that it contained an appreciable amount of maple sugar and that milk was an ingredient. Examination showed that it consisted essentially of glucose, starch, sugar, and skim milk, with little or no maple sugar. It also was labeled to indicate that it was manufactured by a firm other than the real manufacturer.

On May 12, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 dozen cartons of Home Made Maple Butter Compound at Providence, R. I., alleging that it had been shipped on or about April 17, 1937, by the New Bedford Specialty Co., from New Bedford, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Top of container) "Home Made Maple Butter Contains milk, glucose, corn starch, cane sugar and maple flavoring"; (side) "Home Made Maple Butter compound [the word 'compound' in very much smaller print than the term 'Home Made Maple Butter.']] E. R. Jodoin S. Manchester Conn."

It was alleged to be adulterated in that a mixture of glucose, starch, sugar, and skim milk containing little or no maple sugar had been substituted for

home-made maple butter, which it purported to be; and in that it had been mixed in a manner whereby inferiority had been concealed.

The article was alleged to be misbranded in that the statements "Home Made Maple Butter * * * Milk" were false and misleading and tended to deceive and mislead the purchaser when applied to it; and in that the statements "E. R. Jodoin S. Manchester, Conn." were false and misleading and tended to deceive and mislead the purchaser since they were not the name of the manufacturer and the place of manufacture of the article; and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, home-made maple butter.

On May 28, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27348. Adulteration of crab meat. U. S. v. 8 Cans and 23 Cans of Crab Meat. Judgment of destruction. (F. & D. no. 39588. Sample nos. 22936-C, 22937-C.)

This case involved crab meat that contained filth.

On or about May 19, 1937, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 cans of crab meat at Columbia, S. C., alleging that it had been shipped in interstate commerce on or about May 7, 1937, by E. J. Toomer from Savannah, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 19, 1937, the court having found that the product was rapidly deteriorating and was unfit for human consumption, judgment was entered ordering its destruction.

H. A. WALLACE, *Secretary of Agriculture.*

27349. Adulteration of crab meat. U. S. v. 1 Barrel of White Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38617. Sample no. 34648-C.)

This case involved crab meat that was filthy.

On May 14, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Washington, D. C., alleging that it had been shipped in interstate commerce on or about May 11, 1937, by Reuther's Seafood Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On June 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27350. Adulteration of canned pimientos. U. S. v. 58 Cartons of Pimientos. Consent decree of condemnation and destruction. (F. & D. no. 39623. Sample no. 33878-C.)

This case involved canned pimientos that were decomposed.

On May 20, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 cartons of canned pimientos at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 5, 1937, by the Cherokee Products Co., from Bradley, Ga., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Cans) "Ferndell Brand Pimientos Distributed by Sprague Warner & Company Chicago Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 10, 1937, the Cherokee Products Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

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Abnate Coffee Corporation-----	27302, 27303	Gerber, R., & Co.-----	27329
Abnate Food Products-----	27303	Harbor City Food Corporation-----	27306
Century Coffee Co.-----	27302	Mitchell, John S., Inc.-----	27329
Eastern Wholesale Grocery Co.-----	27325	Riverbank Canning Co.-----	27292
Gimbel Bros.-----	27303	puree:	
Myer's, Mrs. Anna, Pure		Everitt, F. H.-----	27295
Foods, Inc.-----	27290	Everitt Packing Co.-----	27295
Velmo Co.-----	27325	Everitt, W. E.-----	27295
Prunes, canned:		Frazier Packing Corporation-----	27316
Lake City Vinegar Co.-----	27310	Lowell-Krekeler Grocer Co.-----	27295
Seiter's, Inc.-----	27310	Orange County Cannery, Inc.-----	27344
Raisins:		Val Vita Food Products, Inc.-----	27344
Guggenlime & Co.-----	27300	Vincennes Packing Corpora-	
Sun-Maid Raisin Growers of		tion-----	27321
California-----	27322, 27328	Tomatoes, canned:	
Sunland Sales Cooperative As-		Bortolo Bendin, Inc.-----	27292
sociation-----	27322, 27328	McKeon Canning Co., Inc.-----	27318
Rice:		Mount Angel Producer's Pack-	
El Campo Rice Milling Co.-----	27335	ing Co.-----	27320
Salmon. <i>See</i> Fish and shellfish.		Riverbank Canning Co.-----	27292
Shrimp. <i>See</i> Fish and shellfish.		Tuna. <i>See</i> Fish and shellfish.	
		Vitality Hog Balancer. <i>See</i> Feed.	
		Walnut meats. <i>See</i> Nuts.	
		Whitefish. <i>See</i> Fish and shellfish.	

